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# DEEDS AGAINST NATURE: GENDER AND DISORDER IN PRINT, 1590-1700

by

LESLIE MALETICH GRIMES

Under the Direction of Jacob Selwood, Associate Professor

## ABSTRACT

This thesis examines the depiction of gender and disorder in popular print. The source material for this study is comprised of broadsides, pamphlets, and ballads published in England during the seventeenth century. Using these sources as evidence, this article explores the authorial intent which influenced the publication of crime narratives, as well as the ways in which these narratives are indicative of changes in the perception of gender and order in society. The main contention of this thesis is that challenges to the monarchy's authority in print before and after the English Civil War enabled the writers of popular print to challenge patriarchal authority in the common household as well. It specifically focuses on the depiction in print of disorder between husbands and wives.

INDEX WORDS: Gender, Crime, Murder, Petty treason, Print, Civil war



DEEDS AGAINST NATURE: GENDER AND DISORDER IN PRINT, 1590-1700

by

LESLIE MALETICH GRIMES

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2019

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2019

DEEDS AGAINST NATURE: GENDER AND DISORDER IN PRINT, 1590-1700

by

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May 2019

## **DEDICATION**

For Gabriel, whose endless patience and support enabled me to complete this project.

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I returned to my academic studies over a decade after I first began them. In the beginning, I was aimless in my studies and wished only to complete my Bachelor's degree. The Department of History at Georgia State University inspired me to pursue not only a Bachelor's degree in History, but also awakened a passion within me to follow that passion to a graduate level. I most especially want to thank Jacob Selwood for his guidance, enthusiasm, kindness, mentorship, and gentle but effective criticism. I would also like to thank Nick Wilding for his unparalleled enthusiasm for book history which provided me with research opportunities and a perspective on the sources I relied upon in this study which were entirely new to me. My work has been greatly improved by their efforts.

Many friends and family provided invaluable support to me throughout this project. Gabriel Grimes and Laura Hunt both deserve a special acknowledgement for assisting me with editing and patiently listening to my intellectual concerns. I would also like to thank August Boyd for providing her insight and for always being available to me when I needed to think out loud.

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## TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS .....</b>	<b>V</b>
<b>1      CHAPTER I: INTRODUCTION AND LITERATURE REVIEW .....</b>	<b>1</b>
1.1      Patriarchy: A Brief History of a Long-lived Concept.....	5
1.2      Order and Disorder in Historical Scholarship .....	8
1.3      From Women’s History to Gender Studies .....	13
1.4      Popular Print and the Law .....	17
1.5      On the Agenda .....	22
<b>2      CHAPTER II: A MOST BARBAROUS AND BLOODY MURDER.....</b>	<b>25</b>
2.1      A Full and True Relation: Print at a Glance .....	27
2.2      A Most Inhumane Villain: An Exploration of Bad Characters and Ill Motives ..	30
2.3      A Most Barbarous and Bloody Murder: A Look at Hierarchy and Humors .....	38
2.4      Conclusions .....	45
<b>3      CHAPTER III: A MORE FULLER AND EXACT ACCOUNT OF THE TRIALS</b>	
<b>        AND EXAMINATIONS OF SEVERAL MALEFACTORS .....</b>	<b>47</b>
3.1      A Murder Most Strangely Revealed: Apprehending a Seventeenth-Century Criminal .....	49
3.2      Behold the Works of God: Detecting Murder Through Divine Providence.....	57
3.3      A Complete Narrative of the Trial: Circumstances, Evidence, and the Rise of the “Chirurgion” .....	67
3.4      Conclusions .....	76

<b>4</b>	<b>CHAPTER IV: CRUELTY REWARDED WITH JUSTICE.....</b>	<b>80</b>
<b>4.1</b>	<b>The Several Trials of Notorious Malefactors: Verdicts in the Early Modern Courthouse.....</b>	<b>83</b>
<b>4.2</b>	<b>A Shameful, Though Deserved End: Print at the Gallows.....</b>	<b>101</b>
<b>4.3</b>	<b>Conclusions .....</b>	<b>109</b>
<b>5</b>	<b>CHAPTER V: CONCLUSION - MISTAKEN JUSTICE.....</b>	<b>111</b>
	<b>REFERENCES.....</b>	<b>118</b>

## 1 CHAPTER I: INTRODUCTION AND LITERATURE REVIEW

“Good people you are come to see the sad end  
of a miserable woman. I have been a  
scandalous liver ever since I was fifteen years  
old, and now God almight has taken this time  
to punish me for all my wickedness.”

-Elizabeth Lillyman, 1675

According to an anonymous author, these are the last words Lillyman delivered to the audience gathered at her execution.<sup>1</sup> *A Compleat Narrative of the Tryal of Elizabeth Lillyman* tells the tale of how she found herself on trial for killing her husband. This account of the events which resulted in Lillyman’s condemnation begins at an ale-house. While Lillyman and her husband were dining, a servant-maid approached her and said “Ah Mistress Lillyman, little do you think that your husband and I have been together and that he gave me a bottle of Ale at your house,” then departed to fetch a loaf of bread.<sup>2</sup> Those taunting words caused Lillyman to fall into a jealous rage and stab her husband, William, with a mutton knife. When the maid returned, she discovered the crime and Lillyman was consequently apprehended by neighbors and local law enforcement officers. On July 10, 1675, she was tried, convicted, and sentenced at the Sessions House at the Old Bailey. Lillyman was found guilty of petty treason and sentenced to burn at the stake.

In telling the story of Elizabeth Lillyman’s crime, the author’s title page claims to provide the reader with a “Compleat Narrative.” Such rhetoric was common among the authors

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<sup>1</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, (London, 1675), Sig. [A1v].

<sup>2</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, 4.

of cheap print who hoped to profit from the sale of pamphlets, ballads, and court reports. Not only did titles inform readers that they were “complete,” “full,” or “perfect,” they also claimed to be “true,” “faithful,” and “exact.” Such terms were meant to add an air of authenticity to boost sales in a competitive market. In some accounts, writers more overtly asserted their credibility by directly challenging other authors for printing false reports. For instance, the author of *The Behaviour, Last Speeches, Confessions, and Execution of the Prisoners that Suffered at Tyburn* reported that three men and six women received the sentence of death, “not six men and three women, as a false and surreptitious pamphlet, printed with the Letters D.M. did lately mention, which also said there was to be fourteen transported: and several other notorious untruths almost in every line.”<sup>3</sup> After all, cheap print was not distributed freely; it was sold in exchange for coin. In an increasingly competitive market, authenticity was touted to boost sales.

Profits, however, were not their only objective. Popular crime literature was intended to be edifying as well. An examination of *A Compleat Narrative of the Tryal of Elizabeth Lillyman* provides an example of the way in which popular crime narratives were organized in a way that allowed authors to moralize against even the smallest of transgressions. This account covers the events leading up to the act, the murder itself, Lillyman’s apprehension, trial, and execution to warn readers of the consequences of sin and criminal acts. This common structure in early modern crime narratives provided authors with an opportunity to warn readers that sinful living could have greater consequences. Accounts showed how drunkenness, disobedience, and acts of adultery created disorder in the household which ultimately led their subjects to kill their spouses. After relating the details of the criminal act, writers included a report of the trial and execution of their subject to illustrate the consequences of disorder and stress the importance of

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<sup>3</sup> Anonymous, *The Behaviour, Last Speeches, Confessions, and Execution of the Prisoners that Suffered at Tyburn on Fryday the 7th of March 1678/9*, (London, 1678/9), 3.

confession and repentance. In this study, I will examine popular crime narratives to analyze the ways in which women and men were represented in print culture in order to answer a larger question concerning the ordering of early modern English society. It is well-established that the patriarchal hierarchy was the ideal order, but how was that ideal portrayed in cheap print and what did its authors say about people who failed to live up to its prescriptions? Furthermore, how did that portrayal change over the course of the seventeenth century? I contend that these narratives reflect a widespread anxiety over disruptions of order and represent a concerted effort to reinstate and maintain a prescribed hierarchical order founded on patriarchal gender relations. Additionally, I will show how those ideas about order and gender changed over the course of the seventeenth century, particularly after the Civil War. After 1650, there was a significant increase in the number of accounts concerning men who were convicted for killing their wives.<sup>4</sup>

Despair about the breakdown of order was preeminent in seventeenth-century England. Anxiety over the escalating rate of crime was palpable, regardless of whether it was actually increasing. Uneasiness was especially high in London, where rapid change due to population growth and migrant influx resulted in the perception of a city in decline.<sup>5</sup> Traffic in the streets, roaming vagrants and beggars, and a construction boom of shoddy housing all served as visual evidence of a departure from a cultural ideal.<sup>6</sup> Events, such as the aftermath of the Reformation and the Civil War, further threatened stability and pitted neighbors against each other.<sup>7</sup> Amidst change and disorder there was a deeply felt desire to return to the well-ordered confines of

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<sup>4</sup> My research yielded approximately one hundred pieces of printed material related to spousal murder. Forty of them told the tales of murderous husbands, however, only three were printed before 1650.

<sup>5</sup> Paul Griffiths, *Lost Londons: Change, Crime and Control in the Capital City, 1550-1660* (New York: Cambridge University Press, 2008), 9.

<sup>6</sup> Griffiths, *Lost Londons*, 2.

<sup>7</sup> For further discussion of the political and religious climate in England during the first half of the seventeenth century and the significance of the Civil War, see David Cressy, *England on Edge: Crisis and Revolution 1640-1642*, (New York: Oxford University Press, 2006).

hierarchy and patriarchy. Regardless of whether the threat of disorder was exaggerated, there was a decidedly real and public effort to reinstate the order that was perceived as eroding.

Gender relations are at the center of this study's examination of this perceived crisis of order. Examining the representation of gender in print is crucial to our understanding of order because the prescribed order was a patriarchal hierarchy whose foundation was based in the household. The crime narratives I have selected here focus on the most extreme cases of disorder in household gender relations. Despite the fact that the "number of persecuted homicides fell markedly after the civil war," the production of crime narratives increased.<sup>8</sup> I assert that, although the crime narrative as a genre was generally becoming more popular, the increase in the production of stories about spousal murder in the second half of the seventeenth century reflects a concern over household disorder which came to increasingly include men as part of the problem.

The ideal ordering of English society as a patriarchal hierarchy was promoted both in official statute and print culture. However, the historical scholarship concerning early modern English society has provided ample evidence to suggest that what was prescribed was not necessarily adhered to. In order to better understand the way in which the patriarchal ideal functioned in the everyday lives of English men and women, we must look at the materials most readily available to them. Although household manuals most explicitly endorsed the patriarchal hierarchy, cheap print also contained a prescriptive element and reached a far larger audience.

Additionally, the events described in these pamphlets provide a glimpse into the everyday lives of early modern society. They tell stories of ordinary people: butchers, coopers, washer-women, apprentices, and servants. The main characters are murderous husbands and wives, but

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<sup>8</sup> James Sharpe, *A Fiery & Furious People: A History of Violence in England*, (New York: Random House Books, 2016), 125.

the supporting casts included neighbors, lovers, law enforcement officers, and preachers.

However, any information about the subjects in these accounts must be considered in the context of the medium in which they are provided. The processes and motives behind the production of crime narratives influenced the information authors supplied. The perception of order and gender is undoubtedly biased at every level of production (from the authors' source of information to the publishers' choice of which stories to print) but that bias is precisely what makes them useful for this study. The stories that authors chose to write and what publishers chose to print reflects not only their interests, but also what they believed were the interests of their readership as well. The popularity of these pamphlets confirms that their concerns were in line with those of their readers. Taking this into consideration, this study examines how the authors of crime narratives portrayed men and women in printed material. How were their reported motives and methods similar or different? Were men and women represented as participating equally in law enforcement? How did depictions of women and men on the gallows differ or show similarities? The answers to these questions reveal not only what readers were interested in consuming, but also how the patriarchal ideal was promoted in print and the subtle ways in which that endorsement changed over time.

## **1.1 Patriarchy: A Brief History of a Long-lived Concept**

This study, much like any study of order and disorder in early modern England, is necessarily a study of a patriarchal hierarchy. But patriarchy is a loaded term that has had a rich and highly contested history. For early modern writers, the patriarchal ideal had a firm basis in both natural and common law. William Gouge relies on scripture to offer a contemporary understanding of



this natural hierarchy in the household manual, *Of Domesticall Duties*.<sup>9</sup> In its first treatise, “An Exposition of that Part of Scripture Out of Which Domesticall Duties are Raised,” Gouge explains “The wife, though a mother of children, is under her husband. The husband, though head of a family, is under publike magistrates. Publike magistrates one under another, and all under the King. The King himselfe under God.”<sup>10</sup> This same logic served as the basis for the gendering of official statute. Common law supported this hierarchy most explicitly in the Treason Act of 1351. Still upheld three centuries later, this Act declared “there is another manner of treason, that is to say, when a Servant slayeth his Master, or a Wife her Husband, or when a Man secular or Religious slayeth his Prelate to whom he oweth Faith and Obedience.”<sup>11</sup> Thus, conduct literature and common law worked together to convey the importance of obedience to one’s superiors. While conduct literature defined the ideal order, statute punished those who would upset it. Crime narratives further spread this message by providing examples to their consumers of the men and women who disobeyed both natural and common law and the consequences they suffered for doing so.

In the early decades of the seventeenth century, the authors of conduct literature and crime narratives rigidly upheld the patriarchal ideal. However, the pamphlet wars leading up to and during the Civil War introduced into print culture rhetoric that allowed for challenges to the existing ideal. In the decades following the dissolution of the monarchy, political theorists used language evoking the Civil War rhetoric of evil councilors and tyrants to challenge the very nature of patriarchal order. Authors, such as John Locke, began contesting the divine right of

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<sup>9</sup> William Gouge, *Of Domesticall Duties* (London, 1622).

<sup>10</sup> Gouge, 5.

<sup>11</sup> 25 Edward III st. 5, c. 2 (1351), *Statutes of the Realm*, Hein Online.

kings embedded in absolute monarchy.<sup>12</sup> Although the impact of intellectual writing on ordinary men and women remains unclear, the printed material examined in this study suggests that it did have an influence on popular writers. The increase of popular accounts concerning tyrannical husbands in the second half of the seventeenth century illustrates both the growing anxiety about household disorder and the increase of challenges in print to patriarchal ideals.

Historians have employed the term “patriarchy” as an analytical tool in varied and contested ways. In the 1970s, feminist theorists saw the enforcement of patriarchy in every aspect of society. Feminist writers, such as Kate Millett and Adrienne Rich, employed it conceptually to illustrate a comprehensive system of male domination.<sup>13</sup> By the 1980s, the use of patriarchy as an analytical tool fell out of fashion as historians criticized master narratives and shifted their focus to identity construction and individual experiences. More recently, accompanying the shift from women’s history to that of gender studies, patriarchy has reappeared in the historiography. Historians interested in the construction of masculine identity have shown that a system based on patriarchal hierarchy was not uniformly applied. Women were not wholly subordinated and men did not universally benefit from it.<sup>14</sup> Factors other than gender were at work as well. Class, religion, age, and marital status all had an impact on the way in which the patriarchy played out in everyday life. The focus of this study, however, concerns the legal inequality between the sexes, not within them. While the marginalization of men based on socio-economic factors is significant to our understanding of patriarchal order, it falls outside the confines of this investigation.

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<sup>12</sup> John Locke, *Two Treatises of Government* (London, 1689).

<sup>13</sup> Kate Millett, *Sexual Politics* (New York: Doubleday, 1970); Adrienne Rich, *Of Woman Born: Motherhood as Experience and Institution* (New York: Norton, 1976).

<sup>14</sup> Androniki Dialeti, in *Gender in Late Medieval and Early Modern Europe*, eds. Marianna Muravyeva and Raisa Maria Toiva (New York: Routledge, 2013), 29.

## 1.2 Order and Disorder in Historical Scholarship

The source material used in this study is related to three general issues in early modern English culture: crime, gender, and popular print. Prior to the 1960s, historical scholarship on crime tended to take the top-down approach of legal history. Since then, however, dramatic growth in the field of social history has transformed approaches to the analysis of crime. Both J. M. Beattie and J. S. Cockburn were among those who made significant contributions to the social history of crime.

In 1975, Beattie published “The Criminality of Women in Eighteenth-Century England” in the *Journal of Social History*.<sup>15</sup> In this article, he examines the judicial records of Surrey and Sussex to reveal patterns of female criminality. Overall, Beattie concluded that women committed fewer crimes than men, but notes that when women did engage in criminal behavior, they typically did so in urban areas and against someone within their domestic circle.<sup>16</sup> Two years later, Beattie applied this data more generally to court procedures and convictions in his contribution to J.S. Cockburn’s *Crime in England 1550-1800*.<sup>17</sup> This collection of essays marks a transition in the field, as it includes both works of traditional legal history and those of the emerging social history. Like Beattie, Cockburn’s own essay follows the latter approach. In “The Nature and Incidence of Crime in England 1559-1625: A Preliminary Survey,” Cockburn investigates indictments from the assizes of Essex, Hertfordshire, and Sussex.<sup>18</sup> His analysis

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<sup>15</sup> J. M. Beattie, “The Criminality of Women in Eighteenth-Century England,” *Journal of Social History* 8, no. 4 (Summer 1975), 80-116.

<sup>16</sup> Beattie, “The Criminality of Women,” 83-87.

<sup>17</sup> J.M. Beattie, “Crime and the Courts in Surrey 1736-1753,” in J.S. Cockburn, ed. *Crime in England 1550-1800*, (Princeton, N.J.: Princeton University Press, 1977), 155-186.

<sup>18</sup> J.S. Cockburn, “The Nature and Incidence of Crime in England 1559-1625: A Preliminary Survey,” in J.S. Cockburn, ed. *Crime in England 1550- 1800*, 49-72.

compares patterns of property crimes against the movement of commercial prices to reveal a general relationship between the two.

Despite the importance of their contribution to the social history of crime, scholars have since challenged these works. Cultural and feminist historians have criticized them, not for errors in their computing, but for the conclusions they drew from their numbers.<sup>19</sup> Nevertheless, they continue to provide useful information to any historian of crime. For this project, they serve as invaluable sources of statistical data. Moreover, while the conclusions they drew from their data have undergone rigorous scrutiny, the questions they asked about the nature of crime, the criminality of women, and the issues involved in studying crime provide a foundation for this study.

While Beattie and Cockburn both addressed the unreliability of court records, G.R. Elton challenged our very definition of crime. He argued that studying crime is “something like an artificial construct” and has an element of “mildly anachronistic confusion” because it was not known to contemporaries by that name.<sup>20</sup> Additionally, he highlighted the distinction between offenses punished by secular law and those dealt with in ecclesiastical courts. Elton noted that “offenses against the law of the Church are not crimes, even though they may constitute disruptive or antisocial activity.”<sup>21</sup> This assertion led him to identify treasons and felonies as the “real” crimes. Two decades later, J.A. Sharpe challenged Elton’s definition of “real” crime. He cautioned against using what he referred to as an “institutional” definition of crime, one in which

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<sup>19</sup> For example, Jenny Kermode and Garthine Walker argue that quantitative studies neglect women and restrict our understanding of female criminality. Jenny Kermode and Garthine Walker, eds. *Women, Crime and the Courts in Early Modern England*, (Chapel Hill and London: The University of North Carolina Press, 1994), 4-5.

<sup>20</sup> G. R. Elton, “Introduction: Crime and the Historian,” in J. S. Cockburn, ed., *Crime in England, 1550-1800*, 2-3.

<sup>21</sup> Elton, “Introduction,” 3.

a crime is constituted by an illegal act, that if detected, was prosecuted in a court of law.<sup>22</sup>

Instead, Sharpe urged historians to remember that early modern contemporaries did not clearly distinguish crime from sin. Considering this ambiguity, Sharpe prioritized the study of petty crimes. In *Crime in Early Modern England, 1550-1750*, Sharpe contended that petty crimes were more common and that ignoring them “obscures the reality of prosecution and punishment.”<sup>23</sup>

While my research is focused on homicide, a so-called “real” crime, I am not attempting to establish a pattern of incidence and therefore am not arguing either for or against Elton’s or Sharpe’s claims. The focus on homicide in this study is the result of my choice of patriarchy as tool of analysis. The promotion of the patriarchal ideal is most explicit in accounts of extreme disruptions to household order. These stories, rather than those of petty crimes, garnered far greater attention in print and reached a much larger audience.

Another issue in studying crime concerns the value of a quantitative approach versus a qualitative one. The social historians of the 1970s prioritized quantitative analyses. Cockburn sought patterns in the indictments submitted at the Essex, Hertfordshire, and Sussex assizes, A.D.J. MacFarlane analyzed witchcraft accusations in the Essex assizes and quarter sessions, while Beattie examined the records of Surrey and Sussex to reveal patterns in the criminality of women.<sup>24</sup> These studies, among many others, relied on the numbers in official records to answer questions about the incidence and nature of crime. A decade later, the conclusions drawn from quantitative analyses were challenged by historians who championed language over numbers.

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<sup>22</sup> Sharpe, “The History of Crime in Late Medieval and Early Modern England: A Review of the Field,” *Social History* 7, no. 2 (May, 1982), 188.

<sup>23</sup> J.A. Sharpe, *Crime in Early Modern England, 1550-1750*, (New York: Routledge, 1999), 5.

<sup>24</sup> J.S.Cockburn, “The Nature and Incidence of Crime in England 1559-1625: A Preliminary Survey,” 49-71; A.D.J. MacFarlane, “Witchcraft in Tudor and Stuart Essex,” 72-89; J.M.Beattie, “Crime and the Courts in Surrey 1736-1753,” 155-186 in J.S. Cockburn, *Crime in England, 1550-1800*.

This “linguistic turn” ushered in the rise of cultural history and brought attention to a host of previously neglected sources: plays, sermons, fictional literature, and advice manuals.

In 1982, J.A. Sharpe addressed this issue in his essay, “The History of Crime in Late Medieval and Early Modern England: A Review of the Field.”<sup>25</sup> Regarding quantitative studies, Sharpe argues that the specialization of courts in England poses a problem for historians attempting to determine overall patterns of crime. Therefore, any quantitative study of a particular court can only reveal part of the picture.<sup>26</sup> While a quantitative approach can offer data about a specific category of crime or a type of court, the conclusions drawn from this data are limited. The Court of Star Chamber handled cases related to breaches of the King’s peace (riot, forgery, assault), county assizes dealt with felony offenses, and quarter sessions handled petty crimes.<sup>27</sup> An additional problem for quantitative studies is the state of the records. As Elton notes “the student of crime works with necessarily very patchy and incomplete materials.”<sup>28</sup> Haphazard reporting, destruction or loss of records, and the larger element of unreported offenses all result in gaps which do not permit an analysis of national trends.<sup>29</sup>

A focus on qualitative materials allows us to avoid some of these pitfalls and also offers a picture of the people behind the numbers. Advocates of the qualitative study have shown that quantitative analyses underrepresent women, distort people’s speech and behavior, and are unable to overcome the problem of unreported crime.<sup>30</sup> As Sharpe argues, counting is an important initial step but does not provide the full picture; crime must be understood in its social

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<sup>25</sup> Sharpe, “The History of Crime,” 187-203.

<sup>26</sup> Sharpe, “The History of Crime,” 190.

<sup>27</sup> Sharpe, *Crime in Early Modern England*, 30-39.

<sup>28</sup> Elton, “Introduction,” 10.

<sup>29</sup> Sharpe, *Crime in Early Modern England*, 29.

<sup>30</sup> Garthine Walker, *Crime, Gender and Social Order* (New York: Cambridge University Press, 2003); Malcolm Gaskill, *Crime and Mentalities* (New York: Cambridge University Press, 2000); Sharpe, *Crime in Early Modern England*.

context.<sup>31</sup> With this in mind, he calls for more research on patterns of recorded crime and the factors that affected them.

Malcolm Gaskill answers this call for a more qualitative approach to the study of crime in his work, *Crime and Mentalities in Early Modern England*, where he examines assize depositions to establish a history of mentality or what he refers to as a “history from within.”<sup>32</sup> His approach asks how life experiences were perceived and how norms, attitudes, and beliefs were expressed. Gaskill asserts that depositions are the most useful sources for determining mentality because they are free from the restrictions that courtrooms place upon the speech and behavior of ordinary people. Although his work covers several crimes, Part III is devoted to an examination of depositions from murder trials. This section is guided by two themes: the procedures in which ordinary people became involved in the legal system and the mentality that influenced their representation.<sup>33</sup> This study aims to contribute to Gaskill’s “mentalities” approach by applying it to popular crime narratives. Due to the limitations of the source material used in this study, only tentative conclusions can be drawn about the mentalities of early modern men and women. However, something of the mentality of authors can be traced by looking at the stories they chose to publish and the language they used to tell them. Taking this into consideration, this study examines the representation of crime and gender in print by applying both quantitative and qualitative methods of analysis. The source material itself is qualitative, however a simple look at the numbers provides a basis with which to track changes over time.

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<sup>31</sup> Sharpe, *Crime in Early Modern England*, 13.

<sup>32</sup> Gaskill, *Crime and Mentalities*, 4.

<sup>33</sup> Gaskill, *Crime and Mentalities*, 204.

### 1.3 From Women's History to Gender Studies

In the same way that the growth of social histories transformed the historical scholarship of crime, the proliferation of women's studies in the 1970s further contributed to the field. The earlier works by feminist authors paved the way for historians to apply gender theories to the analysis of crime. By the 1990s, editors Jenny Kermode and Garthine Walker had sufficient material on the subject to compile an anthology of scholarship devoted to early modern female criminality. *Women, Crime and the Courts in Early Modern England* challenges established notions about women and crime. As a whole these essays examine the involvement and treatment of women in the law enforcement system to illustrate that women were not passive victims in a male-dominated system. The introduction to this anthology emphasizes the authors' focus on female agency. Kermode and Walker state that their choice of the term "women," rather than "gender," in the title serves to support their assertion that crimes committed by women are marginalized if they are analyzed only against male criminal activity.<sup>34</sup>

The essays compiled by Kermode and Walker cover a range of female criminal activity including slander, scolding, theft, and witchcraft. My project began as an attempt to build on those essays by applying their approach to the representation of female agency in popular homicide narratives. My aim was to contribute to women's history by examining how the authors portrayed women in cheap print. However, after reading *Gender in Late Medieval and Early Modern Europe*, I reconsidered my approach. In this anthology, editors Muravyeva and

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<sup>34</sup> Kermode and Walker, *Women, Crime and the Courts*, 4.



Toivo challenge the dichotomous view accepted by advocates of women's history. They argue instead that there was more than one way to be a man or a woman and that the gender hierarchy was not applied or experienced uniformly.<sup>35</sup> This assertion inspired me to expand the focus of my work to include male murderers alongside the females of my prior research. This enabled this study to go beyond a simple conclusion that women were not always passive victims in a male dominated system. At this point in the historiography of crime it is generally accepted that women could exert some degree of agency in the legal system. Rather, by expanding my scope to include male transgressors I have been able to analyze the system as a whole and track subtle changes in its representation in print over the course of the seventeenth century.

Further research on gender led to *Meanings of Manhood in Early Modern England*, in which Alexandra Shepard traces the varied meanings of manhood from 1560 to 1640 to explore their relationship with patriarchal norms.<sup>36</sup> Shepard argues that patriarchal ideology was “muddled, contradictory, and selectively invoked” and that its imperatives attempted to discipline men as well as women.<sup>37</sup> She asserts that gender interacted with other elements of identity—such as age, social status, and marital status—which affected the distribution of patriarchal benefits. In Part I, Shepard examines domestic conduct books, health guides, sermons, and father/son advice literature to argue that normative manhood was defined by a comparison to a range of deviant “others.”<sup>38</sup> Part II explores the social practice of manhood through a case study of the university courts at Cambridge. The majority of the cases tried at Cambridge were petty crimes typical of youthful excess between men: rioting, drinking,

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<sup>35</sup> Muravyeva and Toivo, *Gender in Late Medieval and Early Modern Europe*, 3.

<sup>36</sup> Alexandra Shepard, *Meanings of Manhood in Early Modern England* (New York: Oxford University Press, 2003) Kindle Edition, “Introduction,” Location 57.

<sup>37</sup> Shepard, “Introduction,” Loc. 62.

<sup>38</sup> Shepard, “Introduction,” Loc.140.

gambling, and the occasional assault. While she does devote a chapter to marital relations, her section on domestic violence is brief and does not discuss what happens when that violence escalates to murder. My research addresses Shepard's call for a redefinition of our understanding of patriarchy by exploring the representation in print of the ultimate failure of a patriarch to protect those underneath him.

The decision to include male murderers alongside female offenders enabled me to analyze the system as a whole. Shifting from a women's history to a gender study revealed both the unequal treatment of men and women in statute and the ways in which it changed after the Civil War. Several works informed my research in this approach. Laura Gowing's *Domestic Dangers: Women, Words, and Sex in Early Modern London* investigates the records of ecclesiastical courts to trace the meanings of gender in slander litigation and marriage separation.<sup>39</sup> She argues that sexual reputation and misconduct played a crucial role in cases brought by and against women that did not exist in those concerning men. These cases illustrate not only the role of sexual representation in litigation, but also reveal the ways in which women used the legal system to enforce patriarchal norms. Gowing asserts that early modern culture viewed women's honor and reputation through their sexuality, making women's sexual culpability not just greater than men's but incomparable.<sup>40</sup> Garthine Walker also considers the incommensurable treatment of men and women who came before the courts. In *Crime, Gender and Social Order in Early Modern England*, Walker looks at the ways in which ideas about gender and criminal behavior impacted processes and outcomes in court.<sup>41</sup> Walker contributes to

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<sup>39</sup> Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford and New York: Clarendon Press, 1996).

<sup>40</sup> Gowing, *Domestic Dangers*, 4.

<sup>41</sup> Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (New York: Cambridge University Press, 2003).

Gowing's examination of incommensurate categories of culpability in defamation litigation by identifying the same discrepancy in standards for men and women involved in cases of non-lethal violence, theft, and homicide. Both Gowing and Walker stress the importance of the household as a crucial context for analyzing the influence of gender in criminal activity.

In order to analyze the role of gender in the application of the law and its representation in print culture, it is imperative to define what the term means both to contemporaries and to modern historians. Any study of gender must start with a consideration of Joan Scott's "Gender: A Useful Category of Historical Analysis."<sup>42</sup> First published in 1986, Scott's article remains influential in gender studies. It challenged existing approaches to gender which either failed to explain causality, merely substituted the term "gender" for "women," or interpreted gender relations in terms of separate spheres. Scott also took issue with theorists of patriarchy whose attention to the subordination of women resulted in an analysis based on physical difference. She argued that this analysis "assumes a consistent or inherent meaning for the human body—outside of social or cultural construction—and thus the ahistoricity of gender itself."<sup>43</sup> Scott's assertion that gender is a cultural construction and her call for a rejection of a fixed binary opposition between men and women forms the basis for my approach to crime narratives.

My understanding of gender is based on Scott's definition, as well as Susan Amussen's examination of its early modern conception. In *An Ordered Society, Gender and Class in Early Modern Europe*, she describes gender as "the process by which meaning is given to perceived biological differences between men and women," which is used to determine social relationships and patriarchy as a system in which the ordering of society is based on male dominance over

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<sup>42</sup> Joan Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91, No. 5 (Dec., 1986), 1053-1076.

<sup>43</sup> Scott, "Gender: A Useful Category," 1059.

women.<sup>44</sup> However, patriarchy functioned in a way that went beyond a simple binary opposition which ranks all men over all women. For instance, children and servants of both sexes were subordinate to both male and female parents or masters.

Furthermore, there was a notable change in the conception of patriarchy in print after the Civil War. The idea that a patriarch could be a tyrant became increasingly acceptable after the dissolution of the monarchy. Popular print provides evidence of those theories in practice by recording the marked increase after 1650 of the prosecution of men who had killed their wives. Including crime narratives of male murderers allows for a more balanced interpretation of patriarchy and illustrates how “manhood could be challenged when a patriarch failed to fulfill his duties, to be self-controlled, or to support his family.”<sup>45</sup>

#### **1.4 Popular Print and the Law**

The source material used in this study was accessed through the Early English Books Online database. This collection was first launched in 1998 and contains page images of nearly all surviving material printed in England, Ireland, Scotland, and Wales from 1473-1700. My research is limited to those texts printed in London. The use of the key term “murder” to search the database yielded 3,048 hits in over one thousand records. A scan of these records provided approximately seventy-five entries specifically about spousal murder.

In addition to crime narratives, this study reviews the official legislation concerning felonies, as recorded in Statutes of the Realm, to offer a view of the ways in which rulers sought

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<sup>44</sup> Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern Europe*, (New York: Columbia University Press, 1988), 4.

<sup>45</sup> Muravyeva and Toivo, *Gender in Late Medieval and Early Modern Europe*, 29.

to maintain order.<sup>46</sup> The laws outlining the prosecution of murder, manslaughter, and petty treason were intended to uphold a system of patriarchy. If cheap print can reveal something of the “popular” beliefs concerning gender relations and the patriarchal ideal, then a look at how statutes dealt with various kinds of killing provides a context in which to better understand those beliefs.

Moreover, popular crime narratives reveal more than just a record of criminal acts and their consequences. There are patterns in the structure of the narratives. For example, the story of how Adam Sprackling murdered his wife, Katherine, employs the same structure as the account of Elizabeth Lillyman.<sup>47</sup> *The Bloody Husband and Cruell Neighbor* provides a description of Sprackling’s general behavior, the events leading up to the act of murder, and the details of his trial and execution.

There are also similarities in the language used by authors in these accounts. A brief survey of the titles of crime narratives reveals the repetitive use of phrases such as “a true account” or “an exact relation” to inform the reader about the story inside and the terms “bloody,” “barbarous,” or “cruel” to describe the central felon.<sup>48</sup> There appears to be little or no difference between the titles concerning women murderers and those concerning men. This study

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<sup>46</sup> Of particular interest is the Treason Act of 1351 and James I’s 1603-4 act concerning manslaughter, which extended this verdict to “any person or [persons] which shall kill any person or persons se defendo, or by misfortune...or in [keeping] and [preserving] the Peace...[so] as the [said] Manslaughter be not committed wittingly, willingly and of purpose.”

25 Edward III st. 5, c. 2 (1351), *Statutes of the Realm*, Hein Online; 1 Jac. I. c. 8,9 (1603-4), *Statutes of the Realm*, Hein Online.

<sup>47</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour. Or, A True Historie of Two Murthers*, (London, 1653).

<sup>48</sup> Anonymous, *A Warning for Bad Wives* (London, 1678); Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther Committed by Esther Ives* (London, 1686); Anonymous, *A Warning-Piece to All Married Men and Women* (London, 1687/8); Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman* (London, 1675); Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders* (London, 1684); Anonymous, *A Most Horrible & Detestable Murther Committed by a Bloudie Minded Man Upon his Owne Wife*, (London, 1595).

explores what, if anything, is to be understood from these similarities. The use of the same language in the accounts of both male and female murderers could imply that authors had a gender-neutral attitude towards crime or it could reveal that writers were simply following the standard template of printed material published during this period. While there is a distinct pattern in the writing of crime narratives, I contend that the authors' use of the same language to describe the criminal acts of both sexes is because, after the Civil War, both men and women were held responsible for the maintenance of household order.

Furthermore, the use of cheap print, rather than other forms of qualitative material such as household manuals or depositions, provides an opportunity to push my conclusions beyond authorial intent. The desire of printers to profit from the production of crime narratives necessitated the consideration of consumer interests. Historical scholarship provides evidence that cheap print was popular with consumers and reached a considerable portion of the population. In *Cheap Print and Popular Piety*, Tessa Watt asserts that "there was theoretically no man, woman, or child who could not have access to a broadside ballad, at least in its oral form, when it was sung aloud."<sup>49</sup> Pamphlets, like ballads, functioned in a similar way. They were consumed not only by their purchaser but were also read aloud in taverns and households. The pamphlet concerning the murderer Edmund Kirk provides evidence of this practice. On Friday, May 23, 1684, Kirk asked his master's leave to witness the execution of convicted wife-killer, John Gower.<sup>50</sup> Afterwards, Kirk "brought back the speeches and confessions which he related to the family."<sup>51</sup>

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<sup>49</sup> Tessa Watt, *Cheap Print and Popular Piety, 1550-1640*, (Cambridge: Cambridge University Press, 1991), 13.

<sup>50</sup> Kirk would kill his own wife just a few days after witnessing Gower's execution for the same crime. Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder Committed on the Body of Mrs. Kirk* (London, 1684), 1.

<sup>51</sup> Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder*, 1.

Ballads, broadsides, and pamphlets were popular amongst both readers and printers alike. Printers favored them because they were inexpensive to produce and guaranteed to sell. For a struggling printer, these “little jobs” were a source of quick cash that aided in the production of longer or more expensive projects.<sup>52</sup> Books were sold in London shops or traveled to the countryside by way of peddlers and fairs. Because pamphlets were easier to transport and far less expensive than books, we can conclude that they reached an even larger audience. As Watt notes, “the existence of regular carrier services, together with the evidence that chapman’s routes to the extreme north and south-west were already well established in Elizabeth’s reign, suggests that we should think of a national market for cheap print, and not merely a metropolitan area.”<sup>53</sup>

Consumers, like printers, also appreciated the relatively small expense of popular print. According to Watt, the printed broadside or pamphlet could be attained for approximately the same price as two quarts of strong ale, making them “the cheapest and most accessible form[s] of print.”<sup>54</sup> The stories provided entertainment while the paper itself could be repurposed as “bum paper” or used to light pipes or line pie plates.<sup>55</sup>

Although popular print was concerned with and consumed by “ordinary” people, its content must be analyzed with caution. The authors’ distortions of the speech and behavior of their subjects make conclusions problematic. In *Crime and Mentalities in Early Modern England*, Malcolm Gaskill addresses the issue of distortion by employing assize depositions to explore popular beliefs and behavior relating to witchcraft, coining, and murder.<sup>56</sup> He argues that

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<sup>52</sup> Peter Stallybrass, “‘Little Jobs’: Broadside and the Printing Revolution,” in Sabrina Alcorn Baron, Eric N. Lindquist, and Eleanor F. Shevlin, eds., *Agent of Change: Print Culture Stories after Elizabeth L. Eisenstein*, (Amherst: University of Massachusetts Press, 2007), 315-341.

<sup>53</sup> Watt, *Cheap Print and Popular Piety*, 28.

<sup>54</sup> Watt, *Cheap Print and Popular Piety*, 262 and 11.

<sup>55</sup> Ken MacMillan, ed. *Stories of True Crime in Tudor and Stuart England*, (New York and London: Routledge, 2015), 4.

<sup>56</sup> Gaskill, *Crime and Mentalities*, 3-4.

the behavior and speech of ordinary people was distorted by the formal arenas of the courtroom and gallows.<sup>57</sup> Instead, depositions given in a private and less formal setting offer a more accurate picture of how people perceived themselves and their social environment. My use of cheap print offers no such assurance. In fact, the issue of distortion is magnified. Informants, authors, and printers made conscious and unconscious decisions throughout the process of production which altogether undermine the authenticity of popular print. Furthermore, the print trade was a commercial endeavor whose ultimate goal was profit. Therefore, no definitive claim can be made about the mentality of early modern men and women in print. However, the fact that print was produced for profit does provide justification for its use as a source. To ensure sales, authors had to tell stories they believed people wanted to read. The fact that the crime narrative increased in popularity over the course of the seventeenth century suggests that pamphleteers knew their audience well enough. The mentality of their subjects may only be ascertained with caution, but that of their authors can be determined with more certainty.

Overall, this study concerns order. A look at the laws governing order provides an impression of the objectives of those in power but offers little insight into the opinions of the governed. Popular print brings us one step closer to understanding how order and gender relations were perceived from below. Although we cannot assume that the objective of pamphleteers is wholly representative of the mentality of their audience, the increasing popularity of the crime narrative after the Civil War demonstrates, at the very least, an interest in stories about people who upset order.

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<sup>57</sup> Gaskill, *Crime and Mentalities*, 24.



## 1.5 On the Agenda

For the sake of continuity, the chapters in this study will follow the narrative structure of the printed material being examined. Chapter Two discusses the general concerns one confronts when studying gender, order, and crime in early modern society, then proceeds to a detailed analysis of the sources I have selected for this study. As stated above, crime narratives tended to follow a similar pattern. A “complete” narrative typically began with an account of the subjects’ lives before the crime was committed and then proceeded to relate details of the act itself. Thus, the second chapter focuses on this portion of accounts to examine the behavior and motives authors attributed to the killers, the characteristics of both criminals and their victims, and the manner in which they committed their acts. According to historians such as Merry Wiesner and Laura Gowing, early modern understandings of gender were based on ancient and medieval ideas about the differences between men and women’s bodies.<sup>58</sup> Humors and elements were believed to dictate behavior. Are these beliefs reflected in print? Do authors portray women as killing in cold blood and men committing crimes of heated passion?

From there, a typical crime narrative moves on to describe the apprehension and trial of the suspect. By exploring these aspects of print, Chapter Three looks at how women and men were involved in maintaining order. The apprehension of criminals in early modern England involved a cooperative effort. The absence of a professional police force to oversee investigations resulted in a law enforcement system which required the collaboration between volunteer officers and local townspeople or bystanders. Furthermore, convictions in court were

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<sup>58</sup> Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, (New Haven and London: Yale University Press, 2003); Merry Wiesner, *Women and Gender in Early Modern Europe*, (Cambridge, UK: Cambridge University Press, 2000).

based upon the testimony of both lay and professional witnesses and local interpretations of statute. Decisions were made by appointed court officials that relied upon more than legal handbooks. This chapter looks at the participation of both women and men in this process and also considers the standards of evidence recorded in print. J.A. Sharpe and others have asserted that there was considerable flexibility in the application of the law.<sup>59</sup> This chapter examines the representation of both law enforcement and the forms of evidence presented in court to obtain convictions. Additionally, it investigates whether pamphleteers were equally condemning of men and women or if they too exerted flexibility in their condemnation of their subjects.

The last portion of crime narratives presented the verdicts issued by juries and the final days of those sentenced to die. Authors described the ways in which convicts prepared for death and their behavior and speeches on the gallows. Writers commended those who confessed and repented the error of their ways and reprimanded the few who did not. Crime narratives place a strong emphasis on the importance of dying well. This is a reflection of early modern preoccupations with the afterlife and eternal salvation. However, the promotion of law and order was a central concern of writers and no other event in crime narratives was more edifying than the execution of its subject. Chapter Four will examine the conviction and punishment of husbands and wives to illustrate the incommensurate treatment of men and women in early modern courts.

Although the purpose of this study is to examine the ways in which gender inequality was promoted in printed material, it also reveals how attitudes about patriarchal order changed over the course of the seventeenth century. While there was little change in authors' treatment of women in crime narratives, the increase of accounts concerning husbands illustrates a change in

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<sup>59</sup> Sharpe, "The History of Crime," 201.

their attitude towards men. Despite the fact that authors continued to promote a patriarchal hierarchy as the ideal order, the crime narratives published after the Civil War show that they began to hold both men and women equally responsible for upholding that ideal. Although men who had killed their wives had not upset the natural order in doing so, they had failed in their duty as a patriarch, and were as righteously condemned by authors as women were. Furthermore, the conclusion of this study will explore why patriarchy remains a useful tool for conducting historical research on gender. TIME magazine's selection of "The Silence Breakers" as the 2017 Person of the Year, the #METOO movement, and the Time's Up organization all illustrate that power relations between men and women continue to enable gender inequality. Sharpe declares that "studying crime leads us closer to the core of some of the fundamental aspects of English society in the early modern period."<sup>60</sup> Perhaps it will also shed light on aspects of our own.

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<sup>60</sup> Sharpe, *Crime in Early Modern England*, 28.

## 2 CHAPTER II: A MOST BARBAROUS AND BLOODY MURDER

“Draw but the curtain, view the tragick scene,  
Read, but so read, to keep thy conscience clean,  
See with abhorrence, what the vile have done,  
Fly the fowl act; that thou its fate may shun.”<sup>61</sup>

The passage above appears on the title page of *Murther Upon Murther: Or a True and Faithful Relation of Six Horrid and Bloody Cruelties*. This eight-page pamphlet contains the accounts of six murders committed in several counties in England in 1684. It was printed anonymously in London and most likely sold in bookstalls or by peddlers for approximately twopence, which was equivalent to the price of “two quarts of strong beer at the alehouse.”<sup>62</sup> This suggests that the typical purchaser would have ranked among the middling sort in society, but does not necessarily exclude those of greater or lesser means. That the crime narrative pamphlet was priced to sell, along with the fact that so many of them survived, is evidence of their mass production in print shops and popularity among consumers. Although we cannot know the thoughts or feelings of consumers as they read these narratives, we can examine the structure and language contained within them to uncover what reaction the authors intended them to have.

In this chapter, I will explore the first portion of popular crime narratives. Writers typically opened pamphlets and ballads with a description of the character and behavior of the

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<sup>61</sup> Anonymous, *Murther Upon Murther: Or a True and Faithful Relation of Six Horrid and Bloody Cruelties* (London, 1684), sig. [π1r].

<sup>62</sup> Tessa Watt, *Cheap Print and Popular Piety, 1550-1640* in Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700*, (Ithaca, NY: Cornell University Press, 1994), 7.

murderer before proceeding to the manner in which they committed the act. My purpose in this chapter is to examine the ways in which authors describe their subjects and what this can tell us about early modern understandings of male and female behavior. The objective of crime narratives was not simply to report incidences of crime. If that were the case, they would simply list names, dates, and court rulings. Instead, authors present them as narratives. As such, they contain a number of meanings. Here, I will probe these pamphlets to analyze their representations of criminal men and women. In examining these narratives, I am not only trying to discern the authors' objective in printing such tales, but am also trying to reveal their meaning in the context of early modern culture. Specifically, I am concerned with what they reveal about order in early modern English society. Because crime narratives were meant to be prescriptive, as well as entertaining, they contain messages about expected behavior through the examples of those who failed to meet those expectations.

Furthermore, the household was the fundamental unit of order in a patriarchal society. Therefore, the examination of printed material concerned with disordered households reveals both the ways in which the patriarchal ideal was threatened and the efforts exerted to restore order. It is well-established, in both statute and commercial print, that a patriarchal hierarchy was the ideal order. However, further investigation is needed to determine the ways in which that ideal played out in everyday life. The representation of ordinary people in these narratives provides a glimpse into the life of those who upset order by committing crimes and of those who tried to restore it by apprehending and executing criminals. By examining the depiction in print of household relations, I will argue that, despite prescriptions from above, the patriarchal ideal was not implemented neatly into everyday life. Relations between ordinary men and women were far more complex than the prescribed order allowed. I contend that crime narratives provide

evidence of the ways in which men could be marginalized and women could exert agency. Thus, it was not a system of universal male domination and female subordination.<sup>63</sup>

## 2.1 A Full and True Relation: Print at a Glance

First, I will discuss the pamphlets collectively. Although crime narratives were typically structured to fit a distinct pattern, some pamphlets and ballads deviated from the norm due to the information available to their authors. In the pamphlets examined in this study, production does not appear to have been limited by a lack of information; printers' concerns about the particulars of a case appear to be of little importance. While some of the better-known cases contain a fair amount of detail, others record strikingly little. For instance, *A Warning for Bad Wives: Or the Manner of the Burning of Sarah Elston* states the names of both the victim and the perpetrator, the location where the crime was committed, the manner in which Elston killed her husband, and dialogue from her trial and execution.<sup>64</sup> In contrast, *The Bloody Whitsuntide: Or the Tragical Moneth*, contains only one sentence about a murder: "And a young man being jealous of his wife, became her executioner."<sup>65</sup> Brief and casual references to a murder are not typical of the majority of crime pamphlets, though it is not uncommon to find instances where crucial details, such as names and locations, are missing.

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<sup>63</sup> Androniki Dialeti, "From Women's Oppression to Male Anxiety: The Concept of 'Patriarchy' in the Historiography of Early Modern Europe," in Muravyeva and Toivo, eds., *Gender in Late Medieval and Early Modern Europe*, 29.

<sup>64</sup> Anonymous, *A Warning for Bad Wives: Or the Manner of the Burning of Sarah Elston*, (London, 1678), 1-8.

<sup>65</sup> Anonymous, *The Bloody Whitsuntide: Or the Tragical Moneth*, (London, 1663), 3.

Because the authors' sources of information are often not listed, and due to the fact that timing of publication could be more important than accuracy, printers ran presses with whatever little information they had.<sup>66</sup> When available, they reported on the condition of marital relations, the circumstances leading up to the crime, the act of murder itself, the apprehension of the perpetrator, and details of the trial and execution. When information was lacking, they speculated or simply glossed over the missing data. Regardless of these discrepancies in content, authors fit whatever particulars they had into distinctly similar narrative structures which served two primary purposes: to instruct and to titillate.

As illustrated by the opening passage, the explicitly stated purpose of these narratives was to warn readers of the dire consequences that accompanied household disorder. The pamphlets examined here were printed at various points during the course of criminal action and consequence. A few were published while the killer was still at-large, but the majority were sold immediately after the perpetrator's execution or just following apprehension.<sup>67</sup> In narratives printed after execution, the consequences have already been clearly illustrated: those who dare to commit murder will lose their own life. However obvious this might be, it did not prevent authors from driving home this message with a further statement. In some cases, the warning is issued at the beginning, as seen in *Murther Upon Murther*, while in others it is found at the end. Such is the case in the account of the murder of William Ives by his wife Ester and her lover

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<sup>66</sup> Pamphlets and ballads were often sold to spectators at the site of execution. The need to have the print ready to sell in time for sale constrained the amount of investigation authors could conduct into the matter.

<sup>67</sup> Although there is evidence that pamphlets were commonly sold during executions, it is difficult to discern when this is the case. While references to dates in the text can give clues for some, the publication date only denotes the year in which it was printed. Additionally, some pamphlets claim to present last dying speeches before the convict was executed. These claims render the dates given unreliable. See Ken MacMillan, ed. *Stories of True Crime in Tudor and Stuart England*, 3.

John Noyse; “And thus, reader, the miserable wretches came to a shameful, though deserved end. I hope this may be a warning to deter others.”<sup>68</sup>

Conversely, in accounts where the suspect was still awaiting trial, or when the murderer had been convicted but not yet executed, authors took care to assure readers of the consequences to follow. In *A Caution to Married Couples*, an unnamed lighterman who murdered a tubman who stopped him from killing his wife with a half-pike was said to be “now a prisoner in Newgate, there to remain for his final doom next Sessions, according as the law shall direct.”<sup>69</sup> Additionally, the author of the pamphlet concerning the murder of a servant by Mistress Lewis informs the reader that “This [murder] being affirmed, and testified before the Justice, and before the rest of the Jury, the woman was presently committed to prison...no doubt she will severely suffer for this misdeed.”<sup>70</sup>

Moreover, warnings were not exclusively limited to overt statements that advised against committing murder but were woven throughout narratives in references to the behavior and character of those who perpetrated such “barbarous” acts. Just as depictions of executions were intended to drive home authors’ cautions against killing, statements concerning events leading up to the act, or comments on the general behavior of the criminal, were also instructive. Narratives are peppered with references to prior criminal acts or patterns of bad behavior. This reflects a contemporary understanding that sin and crime were inextricably linked. J. A. Sharpe notes that,

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<sup>68</sup> Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1686), 8.

<sup>69</sup> Anonymous, *A Caution to Married Couples*, (London, 1677), 8.

<sup>70</sup> Anonymous, *An Exact Relation of the Bloody and Barbarous Murder, committed by Miles Lewis, and His Wife*, (London, 1646), 6.



“contemporary commentators were addicted to the idea that minor sins and vices, if uncorrected, might lead all too easily to major crimes.”<sup>71</sup>

However, while authors may have overtly prioritized the didactic purposes of crime narratives, they also attempted to increase readership, and thus profits, by providing elements of entertainment. Such diversions most often accompanied the details of the act of killing. Authors offered up to the reader as much information as they could to embellish the spectacle surrounding each recounted crime. Gory details and colorful anecdotes aided in this endeavor. The circumstances of the act, the weapon used to carry it out, the cries made by the victim, and the physical condition of the victim’s corpse all served to construct this spectacle.

The next section explores why these narratives became so popular and asks why authors felt compelled to emphasize the consequences of “hard-living” and transgression of the law? More importantly, what do these narratives reveal about order and how were those people portrayed who upset order by defying the law?

## **2.2 A Most Inhumane Villain: An Exploration of Bad Characters and Ill Motives**

Early modern England was a well-ordered society, or at least it was meant to be. The basis for this ordering was the patriarchal hierarchy, wherein the king was a father to the people and a father was the king of his household. This analogy serves as the foundation for contemporary conduct literature. The value of a well-ordered household is plainly articulated in William Gouge’s 1622 book, *Of Domesticall Duties*, an 800-page guide intended to instruct readers on

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<sup>71</sup> Sharpe, *Crime in Early Modern England*, 8.

their position and expected duties within the home.<sup>72</sup> In the first treatise, “An Exposition of that Part of Scripture Out of Which Domesticall Duties are Raised,” Gouge explains “The wife, though a mother of children, is under her husband. The husband, though head of a family, is under publike magistrates. Publike magistrates one under another, and all under the King. The King himselfe under God.”<sup>73</sup> This metaphor of household and commonwealth has been endlessly repeated by contemporaries and historians alike.<sup>74</sup> For contemporaries it represented an ideal order, one that was perceived to be increasingly threatened during the seventeenth century. This concern with order began to manifest itself in print in the mid-sixteenth century, peaking around the middle of the seventeenth century and receding by the beginning of the eighteenth century.<sup>75</sup>

The message broadcast by statute and print is a reflection of wider anxieties about a breakdown of order, particularly concerning gender relations and transgression of the law.<sup>76</sup> Despair about the breakdown of order was preeminent in seventeenth-century England. Anxiety over the rise of crime was palpable regardless of whether it was actually increasing. It was particularly felt in London, where rapid change due to population growth and migrant influx resulted in the perception of a city in decline.<sup>77</sup> Traffic in the streets, roaming vagrants and beggars, and a construction boom of shoddy housing all served as visual evidence of a departure from a cultural ideal. Additionally, larger events, such as the riots of the 1590s and the Civil War, caused side effects that further threatened stability and pitted neighbors against each

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<sup>72</sup> William Gouge, *Of Domesticall Duties*, (London, 1622).

<sup>73</sup> Gouge, *Of Domesticall Duties*, 5.

<sup>74</sup> Amussen, *An Ordered Society: Gender and Class in Early Modern England*, 2.

<sup>75</sup> Dolan, *Dangerous Familiars*, 17.

<sup>76</sup> See Chapter III for more on statute and official efforts to maintain order.

<sup>77</sup> Griffiths, *Lost Londons*, 9.

other.<sup>78</sup> Amidst change and disorder was a deeply felt desire to return to the well-ordered confines of a patriarchal hierarchy that was perceived to be eroding.

While there has been much debate about what a patriarchal society actually looked like on the ground, the official effort to maintain order and the voices of print culture reflect a desperate attempt to uphold the ideal.<sup>79</sup> Because the household and the commonwealth were believed to be inextricably linked, the ordering of the home was deemed as important as the ordering of the kingdom. Conduct literature illustrates the effort to maintain order in the household. Gouge's *Of Domesticall Duties* is a comprehensive guide for the construction of an ideal home. It contains treatises directed at every member of a household: husband and wife, servant and child. However, the sheer size and expense of such a tome would have limited its access to a restricted audience.<sup>80</sup> In contrast, crime pamphlets and ballads promoted similar ideals but reached a much larger audience.

In his fourth treatise, Gouge outlines the prescribed behavior for a husband. Here, he states "a husbands authority is best maintained by being an ensample in love, gravitie, pietie, honesty, &c."<sup>81</sup> Contrary to this are those men "in their practise who by their profanenesse, riotousnesse, drunkennesse, lewdnesse, lightnesse, unthriftinesse, and other like base carriage, make themselves contemptible, and so lose their authoritie."<sup>82</sup> Likewise, pamphleteers describe their "contemptible" subjects in similar terms. In *A Sad and True Relation of a Most Barbarous*

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<sup>78</sup> The riots of the 1590s were the result of a series of clashes between apprentices and gentlemen and the increasingly strained relationship between citizens and aliens. For further discussion, see Ian Archer, *The Pursuit of Stability: Social Relations in Elizabethan London*, (Cambridge and New York: Cambridge University Press, 1991).

<sup>79</sup> Martin Ingram, "'Scolding women cuckold or washed': a crisis in gender relations in early modern England," in Kermode and Walker, eds., *Women, Crime and the Courts in Early Modern England*, 48.

<sup>80</sup> Shepard, *Meanings of Manhood in Early Modern England*, Loc. 827, Kindle.

<sup>81</sup> Gouge, *Of Domesticall Duties*, 354.

<sup>82</sup> Gouge, *Of Domesticall Duties*, 355.

and *Bloody Murder Committed by One Thomas Watson, a Weaver*, the author describes Watson as “unseemly,” “swearing an oath,” and as “often quarrel[ing].”<sup>83</sup> Similarly, William Barwick was described as “foul” and “false.”<sup>84</sup> Most contrary to the ideal of manhood was the wealthy gentleman, Adam Sprackling, who would “ride about the land and frequent taphouses,” “rant and roar, game and swear exceedingly,” “quarrell and draw his weapon,” “regard not the Sabbath,” and “delighted much in the company of drunken Ministers.”<sup>85</sup>

While conduct literature instructed men on how to be a proper figure of authority in the household, the guidance offered to women focused on how to obey that authority. Regarding women, Gouge’s third treatise on the particular duties of wives advises the “ordering of her countenance, gesture, and whole carriage before her husband, whereby she manifesteth a pleasingnesse to him, and a contentednesse and willingnesse to be under him and ruled by him.”<sup>86</sup> Contrary to this is “a frowning brow,” “a lowering [eye],” “a sullen look,” “a powting face,” or “a deriding mouth.”<sup>87</sup> Again, the authors of crime narratives espoused like sentiments. They repeatedly implored female readers to “remember that their Husband is their Head.”<sup>88</sup> This advice was intended to remind the audience of what the subjects of their pamphlets had clearly forsaken. For instance, Margaret Martell, “the barbarous French-Woman,” was “proud,” and

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<sup>83</sup> Anonymous, *A Sad and True Relation of a Most Barbarous and Bloody Murder, Committed by one Thomas Watson, A Weaver*, (London, 1686), 4-5.

<sup>84</sup> Anonymous, *A Full and True Relation of the Examination and Confession of W. Barwick and E. Mangall*, (London, 1690), 1-2.

<sup>85</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour*, 2. Sprackling’s status as a wealthy gentleman and the particularly cruel manner in which he killed his wife reveal issues closely related to those explored by Cynthia Herrup in *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*, (New York: Oxford University Press, 1999).

<sup>86</sup> Gouge, *Of Domesticall Duties*, 278.

<sup>87</sup> Gouge, *Of Domesticall Duties*, 279.

<sup>88</sup> Anonymous, *A Warning for Bad Wives: Or The Manner of the Burning of Sarah Elston*, (London, 1678), 6.

exhibited an “uneasiness to be under any authority.”<sup>89</sup> Margaret Ferne-Seede lived in “disquietness, rage, and distemper” and had a “slight regard of her husband.”<sup>90</sup> Sarah Eleston had become a “common drunkard and desperate swearer” and had taken to “drinking with her gossips” and “demanding” money from her husband.<sup>91</sup>

While the characteristics that Gouge, other conduct writers, and pamphleteers cautioned against were not deemed criminal under common law, it was believed that these sins would lead to greater transgressions that would eventually place offenders in defiance of the law. Conduct literature advised against sins such as drunkenness and adultery while crime narratives offered examples of how those sins could lead to criminal acts. The anxiety concerning the increase in disorder is further emphasized in crime narratives by their authors’ references to the escalating occurrence of violent crimes. In 1646, one author stated “The great and manifold massacres and inhumane murders that are now dayly comploted and enacted (by the instruments of Satan) in these our latter times, are almost innumerable.”<sup>92</sup> In 1673, another wrote “each day alarms us...with tragical events,” and in 1686 another reports that “many and notorious have been the murders.”<sup>93</sup>

Thus, the relation of the many character flaws of killers in crime narratives suggests that authors intended to stem the wave of crime at its roots. Offering up examples of instances when bad conduct and ill behavior led to the perpetration of felonies served as evidence of the

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<sup>89</sup> Anonymous, *A Full and True Relation of the Birth, Parentage, Education, Life, and Conversation of Mrs. Margaret Martel*, (London, 1697), 5-7.

<sup>90</sup> Anonymous, *The Araignment & Burning of Margaret Ferne-Seede, for the Murther of her late Husband Anthony Ferne-Seede*, (London, 1608), Sig. [A5r]-B1r.

<sup>91</sup> Anonymous, *Murther Upon Murther*, 6-7.

<sup>92</sup> Anonymous, *An Exact Relation of the Bloody and Barbarous Murder, committed by Miles Lewis, and His Wife*, Sig. A2r.

<sup>93</sup> Anonymous, *The Bloody Lover: Or Barbarous News from Glocester*, (London, 1673), 4.; Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1686), 3.

consequences of ignoring the prescribed lifestyle. Even more telling here is the lack of discrepancy between the authors' treatment of men and women. Despite the differences in prescribed behavior for wives and husbands, the ultimate judgement was the same. A household was meant to be constructed in a particular order where each member was expected to fulfill duties and exhibit behavior which coincided to their position. Not adhering to this prescribed way of life would inevitably result in disorder. Moreover, this could ultimately have dire consequences beyond the home. What initially could upset order in a household would result not only in the loss of one's own life, but also collectively threaten the loss of order in society as a whole. While the examination of crime narratives reveals that murder was a crime so heinous that writers were equally condemning of both male and female killers, the more significant shift towards gender equality in the genre is only exposed by examining material printed after the Civil War. Although there are narratives about murderous husbands before the mid-century mark, their numbers are few. Most printed material about disorder in the household in the first half of the century concerns women who had created that disorder. However, after the Civil War rhetoric about King Charles I's reign of tyranny there is an explosion in popular print of narratives about tyrannous husbands. Authors continued to promote the patriarchal ideal as the proper ordering of the household, however, after 1650 they began to increasingly hold men accountable for maintaining household order.

To further stress the dangers of sinful living, authors consistently drew lines between the previous misconduct of murderers and the motive for killing. Drunkenness and jealousy were repeatedly reported as being the impetus for acts of violent rage or premeditated murder. In 1681, William Trickler "being in drink, was heard to quarrel with [his wife], and also assaulted her with a spade, in so violent a manner, that some of the blows were heard to a neighbors house

near to them.”<sup>94</sup> Correspondingly, in 1675, Elizabeth Lillyman was “elevated with drink” when she “fell into an angry passion” and stabbed her husband.<sup>95</sup> The author of her account cites jealousy as cause of her anger; the very same sin that led Thomas Watson to murder Mary Watson. In this account, the author informs us that Thomas Watson was by trade a weaver. His wife, Mary, was sometimes sent abroad to sell his work. However, “having had some jealousy of her imbezling his money, or taking it up and not giving him an account of it,” he was persuaded to follow her on her next outing.<sup>96</sup> He witnessed her enter a brokers’ shop to pawn crepe for money and not being satisfied by her explanation “abused her in the street, at an unseemly rate, threatning her likewise in such a manner, that she was afraid to come home.”<sup>97</sup> When she at last returned home, he stabbed her under her ribs with a bayonet.

Accompanying these sins of drunkenness and jealousy was adultery. In early modern England, adultery was a most serious offense. According to Gouge’s household guide, it was deemed “one of the most capitall vices in that estate: a vice whereby way is made for *Divource*” and is regarded as “great a sin in man as in a woman.”<sup>98</sup> Writers of cheap print seconded Gouge’s view of adultery. In *Bloody News from Hampshire, Or The Inhumaine Husband* the author places equal blame on the husband and his lover. Indeed, it is the act of adultery itself which leads him astray. This account states that the unnamed husbandman was “naturally laborious and industrious” until he began keeping company with a “hard-living” woman who

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<sup>94</sup> Great Britain Assizes, *A True Narrative of the Proceedings at the Assizes holden at Kingstone-Upon-Thames*, (London, 1681), 3.

<sup>95</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, (London, 1675), 4.

<sup>96</sup> Anonymous, *A Sad and True Relation of a Most Barbarous and Bloody Murder Committed by one Thomas Watson, A Weaver*, (London, 1686), 4.

<sup>97</sup> Anonymous, *A Sad and True Relation*, 4.

<sup>98</sup> Gouge, *Of Domesticall Duties*, 218.

lived near his master's house.<sup>99</sup> However, after taking up with this woman, his desire to marry her led him to have "a long debate between the devil and his own wicked heart" in which a bargain was made to dispatch his wife.<sup>100</sup> Although he hesitated at first, he eventually resigned to put the "black design" into place and slit his wife's throat. While he would not say that the woman with whom he was having an affair had any knowledge of the crime or assisted him in any way, "there being so many violent presumptions to conclude her assessary, they were both committed."<sup>101</sup>

Likewise, Master Arden of Feversham was also the victim of adultery. In a 1633 ballad, Mistress Arden employs her lover and a team of ruffians to rid her of her husband.<sup>102</sup> Like the unnamed husbandman, Mistress Arden was corrupted by the love of another. She had wed Master Arden with "joy and great conduct" and loved him until she met a man named Mosbie.<sup>103</sup> But for the love of him, she conspired to dispose of her husband. After two failed efforts (a poisoning attempt and an interrupted assault), she at last succeeded by employing Mosbie and two hired villains.

These are merely a handful of examples that illustrate the repercussions of hard-living. Countless other accounts construct a narrative in which lesser sins lead to major crimes. The repetition of this structure in the crime narrative is, by their authors' admonition, intended to serve as a warning. It serves both as a warning against the danger of sinning and that of committing murder and also bridges the gap in between by connecting the two into one dark

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<sup>99</sup> Anonymous, *Bloody News from Hampshire, Or The Inhumaine Husband and most Barbarous Father*, (London, 1675), 2.

<sup>100</sup> Anonymous, *Bloody News from Hampshire*, 2.

<sup>101</sup> Anonymous, *Bloody News from Hampshire*, 6.

<sup>102</sup> Anonymous, *The Complaint and Lamentation of Mistresse Arden of Feversham in Kent*, (London, 1633).

<sup>103</sup> Anonymous, *The Complaint and Lamentation of Mistresse Arden*, 1.



path. I will return to this element of cautionary advice in the final chapter, which will examine the behavior of convicted murderers during their last days. For now, I will turn to the next portion of the narratives related to the act of murder, itself.

### 2.3 A Most Barbarous and Bloody Murder: A Look at Hierarchy and Humors

The early modern understanding of gender used to promote a patriarchal hierarchy was based on scripture and ancient texts on humoral theory. According to Anthony Fletcher, the English patriarchy can be described as one which “rested upon twin pillars: the subordination required of women as a punishment for Eve’s sin, which was fundamental to biblical teaching, and an understanding of men’s and women’s bodies, evident among early modern medical writers.”<sup>104</sup> This foundation is well-established in the historiography of contemporary elite literature. Conduct literature, medical texts, and even plays refer to patriarchy and humors. But these texts were not necessarily those that reached the masses.<sup>105</sup> In the countryside, a wealthy yeoman might read these aloud to his neighbors or household, but what of the middling and meaner sort in urban areas? Surely *Of Domesticall Duties* was not read aloud in the neighborhood tavern, but ballads and crime pamphlets were. So, what do their authors say about hierarchy and humors?

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<sup>104</sup> Anthony Fletcher, *Gender, Sex & Subordination in England, 1500-1800*, (New Haven and London: Yale University Press, 1995), xvii.

<sup>105</sup> Thomas Laqueur argued that the pre-Enlightenment understanding of the sexes was based on the Galenic one-sex model where heat and fluids determined sexual difference. Conversely, Laura Gowing asserts that the one-sex model was not the only way of understanding the body. She argues that it was only promoted in anatomical texts marketed towards surgeons and physicians and that everyday knowledge came from popular medical texts and oral culture. Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud*, (Cambridge, MA and London: Harvard University Press, 1992), Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, (New Haven and London: Yale University Press, 2003).

Before we examine these pamphlets, we must briefly delve into the laws related to homicide to illustrate how the patriarchal ideal influenced statute. Under common law, the category of homicide housed a range of acts including culpable, excusable, and justifiable killing.<sup>106</sup> These three types of homicide could result in a verdict of murder, manslaughter, or pardonable homicide. Murder is culpable, intentional, premeditated, and warranted a sentence of death.<sup>107</sup> Treason was a particularly egregious category of murder. Of note is the law concerning petty treason, which was extended only to inferiors and, thus, not to men who murdered their wives. According to legislation, any woman found guilty of killing her husband was convicted of petty treason.<sup>108</sup> The Treason Act of 1351, enacted by King Edward III, clearly stated “And moreover there is another manner of treason, that is to say, when a Servant slayeth his Master, or a Wife her Husband, or when a Man secular or Religious slayeth his Prelate to whom he oweth Faith and Obedience.”<sup>109</sup> This act was based on natural law which placed servants under the authority of masters, women under their husbands, and clerks under prelates. The social and ecclesiastical hierarchy enforced by this statute continued to inform seventeenth-century courts as well as the authors of conduct literature and crime narratives.

In contrast to murder, manslaughter was justifiable and was punished by a brand on the hand. The law extended this verdict to “any person or [persons] which shall kill any person or persons *se defendo*, or by misfortune...or in [keeping] and [preserving] the Peace...[so] as the [said] Manslaughter be not committed wittingly, willingly and of purpose.”<sup>110</sup> Similarly, pardonable killing was justifiable but warranted no punishment. These kinds of homicide could

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<sup>106</sup> Walker, *Crime, Gender, and Social Order in Early Modern England*, 114-115.

<sup>107</sup> Walker, *Crime, Gender, and Social Order in Early Modern England*, 115.

<sup>108</sup> 25 Edward III st. 5, c. 2 (1351), *Statutes of the Realm*, Hein Online.

<sup>109</sup> 25 Edw. III st. 5, c. 2.

<sup>110</sup> 1 Jac. I. c. 8,9 (1603-4), *Statutes of the Realm*, Hein Online.

be accidental killings but were more often cases of royal justice or killing of a criminal in the act of committing a felony.<sup>111</sup>

It is clear in the narratives that their authors approved of these laws. Court rulings are noted in many crime narratives and are followed by statements of endorsement from the author. For example, the pamphlets concerning Elizabeth Lillyman and Sarah Elestone note that they were both convicted of petty treason and “rewarded with condign punishment.”<sup>112</sup> The author of Elestone’s narrative elaborates further by noting that she “with high and presumptuous hands, violate[d] the laws of nature and Grace, of Earth and Heaven, in murdering those whom through duty and affection we are bound to obey, honour, cherish, and preserve”<sup>113</sup> This sentiment was reiterated time and again by authors condemning women who upset patriarchal order by killing those whom by God and statute they were commanded to obey. Throughout these pamphlets, almost every woman who had taken her husband’s life was convicted of petty treason and, accordingly, sentenced to burn at the stake. Authors repeatedly implored readers to “remember that their Husband is their Head.”<sup>114</sup>

Conversely, the male subjects of crime narratives were not upsetting the patriarchal order in killing their wives. Their crimes did not constitute a verdict of petty treason because they had not murdered a person legally and biblically defined as their superior. As such, they were convicted of murder and sentenced to hang rather than by the slower and more painful death of

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<sup>111</sup> Walker, *Crime, Gender, and Social Order in Early Modern England*, 116.

<sup>112</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, (London, 1675), sig.1r; Sarah Elestone, *The Last Speech and Confession of Sarah Elestone*, (London, 1678), 2.

<sup>113</sup> Elestone, *The Last Speech and Confession of Sarah Elestone at the Place of Execution*, (London, 1678), 1. In print, she is referred to as Sarah Elston, Eleston, and Elestone. In quotation I have adhered to the spelling choice of the author. In text, I have chosen to use “Elestone,” as that is how it is spelled in the print first referred to in this essay.

<sup>114</sup> Anonymous, *A Warning for Bad Wives: Or The Manner of the Burning of Sarah Elston*, (London, 1678), 6.

burning alive at the stake. While authors are equally disapproving of male murderers, there are far fewer remarks concerning patriarchy until after the Civil War. In accounts printed in the first half of the seventeenth century, men are consistently described as “inhumane,” “cruel,” or “barbarous,” but are rarely admonished for failing to behave like good patriarchs. As previously discussed, the men are generally portrayed in a negative light, however the act of murder itself is not discussed in terms of laws and nature. However, after the Civil War, there is not only an increase in the number of accounts of convicted husbands but also a rise in the condemnation of men for failing to be proper patriarchs. For instance, *Bloody [sic] News from Hampshire*, declares that a husbandman who killed his wife and son, “violat[ed] no only the Laws of God and man, but those of Nature too.”<sup>115</sup>

Although rhetoric of a woman’s duty to obey the laws of God and nature is evident in crime narratives throughout the seventeenth century, its use in accounts concerning men is directly related to their date of publication. In the decade preceding the outbreak of civil wars, challenges to patriarchal order were increasingly accepted. Cynthia Herrup’s analysis of the trial of Merivn Touchet, 2nd Earl of Castlehaven, illustrates how this case reflected wide-spread questions of authority. Castlehaven was tried for the assisted rape of his wife and sodomy of his servants.<sup>116</sup> Herrup notes that the prosecution emphasized the Earl’s obligation as a patriarch, stating that “he was a danger to himself and to others” because “he had accepted the privileges of patriarchalism, but betrayed its duties.”<sup>117</sup> She further stresses that the trial in its entirety “dramatically illustrates the unending need of early modern rulers to reiterate the organizing

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<sup>115</sup> Anonymous, *Bloody [sic] News From Hampshire, Or, The Inhumane Husband, andmost [sic] Barbarous Father*, (London, 1675), sig. A2r.

<sup>116</sup> Herrup, *A House in Gross Disorder*, “Preface,” xiii.

<sup>117</sup> Herrup, *A House in Gross Disorder*, “Preface,” xiv.

social principles of early modern English life: manhood, hierarchy, and English Protestantism.”<sup>118</sup>

The trial of Mervin Touchet took place in 1631 during the politically tense years building up to the Civil War. Castlehaven’s trial is exceptional in several ways. Not only was it unusual for a man of Castlehaven’s rank to be tried for household matters, but the prosecutions’ argument that the earl had failed in his duty as a patriarch was almost unheard of. Notably, a look a look at popular print published during this time reveals a deafening silence. While there are three accounts about male murderers from the late sixteenth century, no more appear until 1653.<sup>119</sup> In contrast, there are several accounts of women who killed their husbands. Surely, it cannot be the case that not a single man killed his wife between the years of 1598 and 1653? More likely, authors felt that challenges to the patriarchy would either fail to pass censorship regulations or would not be well-received by their readership. Regardless of their reason, it remains clear that pamphleteers were reluctant at this time to point out men who had failed to uphold their obligations as patriarchs. They had no such reservations when admonishing women.

While references to patriarchal order differentiated along gender lines, discussion of humors did not. Humoral theory, which can be traced back to ancient Greece, explained bodily function as the balance of four humors in the body: blood, choler, melancholy, and phlegm.<sup>120</sup> Blood was hot and moist, choler was hot and dry, melancholy was cold and dry, and phlegm was

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<sup>118</sup> Herrup, *A House in Gross Disorder*, 147.

<sup>119</sup> Anonymous, *A True Reporte or Description of an Horrible, Wofull, and Most Lamentable Murther*, (London, 1573), Anonymous, *A Most Horrible & Detestable Murther Committed by a Bloudie Minded Man Upon His Own Wife*, (London, 1595), Henry Robson, *The Examination, Confession, and Condemnation of Henry Robson, Fisherman of Rye*, (London, 1598), Anonymous, *Bloody Actions Performed. Or A Brief and True Relation of Three Notorious Murthers, Committed by Three Blood-Thirsty Men*, (London, 1653).

<sup>120</sup> Fletcher, *Gender, Sex & Subordination*, 33.

cold and moist.<sup>121</sup> These bodily fluids “both determined sex and characterised temperament, so that women’s wetter colder bodies made them more melancholy, and men’s hotter, drier ones made them prone to anger.”<sup>122</sup> From herbal guides to anatomy textbooks, all medical literature was written within this framework.<sup>123</sup> Despite the fact that this understanding of the body was so pervasive in other forms of literature, it is not consistently used in crime pamphlets.<sup>124</sup>

References to humors are sparse. When they are mentioned, heat and blood are overwhelmingly represented with little or no mention of cold or the other three fluids. Among these pamphlets I found only three explicit references to humors. Margaret Ferne-Seede is described as suffering “a corruption of her blood,” Edmund Kirk was said “to be in a great heat, but not any ways melancholy,” and Elizabeth Ridgway had outdone the “desperadoes of this town...prone to heats of blood.”<sup>125</sup>

Furthermore, these pamphleteers did not at all describe the murders as being hot- or cold-blooded. Instead, they contrasted them in terms of “passion” and “fury” or as “premeditated” and “with aforethought.”<sup>126</sup> According to authors, crimes of passion were carried out by both men and women, while premeditated murders were strictly women’s work. This pattern appears to be

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<sup>121</sup> Fletcher, *Gender, Sex & Subordination*, 33.

<sup>122</sup> Gowing, *Common Bodies*, 2.

<sup>123</sup> Herbals were books containing list of herbs and recipes for their use in healing. Fletcher, *Gender, Sex & Subordination*, 31-33.

<sup>124</sup> See Fletcher, *Gender, Sex & Subordination* for more on medical literature and how Shakespeare invoked humors in his plays.

<sup>125</sup> Anonymous, *The Araigment & Burning of Margaret Ferne-Seede* (London, 1608), sig. A4v; Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder; Committed on the Body of Mrs. Kirk, Wife of Edmund Kirk* (London, 1684), 1; Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders Committed in Leicester-shire by Elizabeth Ridgway* (London, 1684), 2.

<sup>126</sup> Anonymous, *A Compleat Narrative of the Triyal of Elizabeth Lilyman*, sig. A1r; Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders*, 2; Anonymous, *A Warning for Bad Wives: Or the Manner of the Burning of Sarah Elston*, 5; Anonymous, *A Sad and True Relation of a Most Barabarous and Bloody Murder Committed by One Thomas Watson*, 5; Henry Goodcole, *The Adultresses Funerall Day: In Flaming, Scorching, and Consuming Fire: Or the Burning Downe to Ashes of Alice Clarke* (London, 1635), sig. B4r.

directly related to motive. In the majority of cases concerning male killers, some provocation from the wife causes the man to become furious and kill her with whatever weapon is at hand. When provocation is not the cause, the authors typically describe the motive as unknown. Conversely, revenge and adultery are said to be the motive for nearly all of the female killers. Domestic abuse was the main impetus driving revenge killings. But the murder was rarely carried out during the incident of abuse, it was more often committed while the husband was sleeping or by poisoning his food. Thus, it was not considered to be done in self-defense, but was premeditated. Mary Aubry, Alice Clarke, and Katherine Fox all killed their husbands in this manner.<sup>127</sup> Likewise, where adultery was involved, women conspired with their lovers to rid themselves of their husbands. Mistress Arden and Mistress Padge both employed their lovers in their killing.<sup>128</sup>

Thus, the humoral theory so prominent in medical literature left a very small mark in crime pamphlets. Either authors were unfamiliar with the theory or they thought their readers would be. More prominent in popular print is the notion of premeditation to distinguish female killer from male. While authors do not condone any act of killing, there is a subtle implication that male offenders are less culpable due to the circumstances surrounding their crime. Male killers are depicted as having been provoked or of committing crimes of passion. Conversely, female killers were deemed more heinous for the forethought involved in their criminal acts.

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<sup>127</sup> Goodcole, *The Adultrresses Funerall Day*, Sig. B4r.

<sup>128</sup> Anonymous, *The Complaint and Lamentation of Mistress Arden of Feversham in Kent*, (London, 1633); Anonymous, *Sundrye Strange and Inhumaine Murthers, Lately Committed*, (London, 1591).

## 2.4 Conclusions

Crime pamphlets were popular with printers and readers alike. For printers, they were cheap and easy to produce and could yield profits to assist in the production of other work. For readers, the stories provided entertainment and the paper upon which they were printed could be repurposed for a variety of uses in the household.<sup>129</sup> Moreover, pamphlets reached a wide audience as they were often read aloud in households or taverns. The story of Edmund Kirk illustrates this practice. On Friday, May 23, 1684, Kirk asked his master's leave to witness the execution of wife-killer, John Gower.<sup>130</sup> Afterwards, Kirk "brought back the speeches and confessions which he related to the family."<sup>131</sup> The author of the pamphlet later laments that Kirk "could take no warning from [Gower's] sad example."<sup>132</sup>

That Kirk had failed to learn from Gower's mistake points to the heart of this investigation. As we have seen, crime pamphlets were meant to instruct. Authors intended their subjects to serve as examples for readers. They admonished the sinful lives of criminals and stressed that sin could lead to felony. Writers warned male readers of the dangers of drunkenness, jealousy, and adultery. Women were also advised to refrain from these sins, but more importantly, they were told to remember their place in the household. This is crucial to our examination of these sources because it places these stories in the context of wider cultural anxieties concerning order. It is well-established that early modern society was plagued by a fear of the breakdown of order. However, there is less consensus on whether or not this breakdown

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<sup>129</sup> MacMillian, *Stories of True Crime*, 4.

<sup>130</sup> Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder*, (London, 1684), 1.

<sup>131</sup> Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder*, 1.

<sup>132</sup> Anonymous, *A Full and True Relation of a Most Barbarous and Dreadful Murder*, 1.



was real. Nevertheless, these pamphlets serve as evidence that fear of a breakdown was real and that this fear was not only discussed by officials and intellectuals. It trickled down to the lowest ranks of society through the authors of cheap print.

While authors universally warned against sin, their discussion of patriarchy and humoral theory was less straight-forward. They consistently advised women to remember their place in the patriarchal order, but rarely felt the need to do the same for men until after the Civil War. They occasionally referred to these men as “cruel” or “inhumane” husbands but made no overt statements on a man’s obligation to be a good patriarch. Concerning humors, authors were even less coherent. There are a handful of references to blood and heat, but they do not speak of “hot” men and “cold” women. If humoral theory was truly as ubiquitous as Laqueur and other historians have claimed, then these pamphlets are evidence that either there was a shift away from this theory in the seventeenth century or that it was not widely endorsed by people of lower ranks.

The next chapter will examine the apprehension of criminals and their prosecution to analyze how authors portrayed men’s and women’s participation in enforcing order and in court proceedings. The maintenance of order in early modern England relied upon the efforts of both lay and professional participants. Chapter Three will explore this portion of crime narratives to determine whether gender impacted people’s willingness to participate in those systems and analyze how writers conveyed their involvement.

### 3 CHAPTER III: A MORE FULLER AND EXACT ACCOUNT OF THE TRIALS AND EXAMINATIONS OF SEVERAL MALEFACTORS

“The next Forenoon, when some Neighbours wondring that they did not see the doors open’d, nor him about his business as he was wont to be; after several times knocking and calling, but no Answer, fearing some misfortune had happen’d to them, broke open the Doors, and (to their Amazement) found her thus Murder’d in her bed, and he lying upon another. And receiving no Satisfaction from him to their Inquiries...they carried him before a Magistrate”

Anonymous, 1683

This scene from *The Bloody Papist: Or, A True Relation of the Horrid and Barbarous Murder Committed by one Ro Sherburn of Kyme in Lincolnshire* reflects not only a prominent element of seventeenth century crime literature, but also the realities of early modern law enforcement.<sup>133</sup>

The apprehension of a criminal involved the combined efforts of neighbors, law enforcement officers, and sometimes even God. The lack of a professionally-trained police force or the aid of advanced forensics meant that seventeenth-century people could not simply dial 911 and wait for authorities to arrive. Nor could convictions be confidently obtained by fingerprints or DNA samples. Instead, maids spied acts through windows, landlords heard screams through walls, and God sent agents, in various forms, to reveal the identity of murderers or circumstances of deaths. In this chapter, I will examine the portions of crime pamphlets which relate the apprehension of killers and the gathering of evidence to bring them to trial. A survey of these sections of

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<sup>133</sup> Anonymous, *The Bloody Papist: Or, A True Relation of the Horrid and Barbarous Murder Committed by one Ro Sherburn of Kyme in Lincolnshire*, (London, 1683), 2.

narratives shows that although the household and common law were ordered according to gender difference, the maintenance of law and order equally relied on the participation of both sexes. On the office of the Coroner, the *Statutes of King Edward I* state, “it is too be inquired, who were culpable either of the Act, or of the Force, and who were present, either Men or Women, and of what age soever they be, if they can speak, or have any Discretion.”<sup>134</sup> A statute enacted in 1487, by King Henry VII, offered the same instruction to coroners.<sup>135</sup> Although the appointed offices of law enforcement were held solely by men, both men and women were expected to assist them in the pursuit of justice. Maintaining order was the duty of all subjects. The popular crime narratives in this study provide evidence that early modern men and women took that duty seriously.

Additionally, tracking the changes in procedure and in standards of evidence will help determine the ways in which religious beliefs and scientific advancements influenced ideas concerning gender and order in law enforcement. The grand narrative of the Scientific Revolution, developed by a group of historians during the twentieth century, suggests that the origins of modern science were rooted in the sixteenth and seventeenth works of mathematicians and natural philosophers such as Galileo and Newton.<sup>136</sup> Although the nature and timing of this supposed revolution has since been challenged by historians, for the purpose of this study it is sufficient to note that there were advancements in the understanding of the natural world which appear to have influenced the criminal justice system. In crime narratives, that influence is most evident in their authors’ relation of the detection of murder and the evidence used to convict

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<sup>134</sup> 4 Edward I, “The Office of the Coroner,” (1275, 1276), *Statutes of the Realm*, Hein Online.

<sup>135</sup> 3 Henry VII, c. 1, 2 (1487), *Statutes of the Realm*, Hein Online.

<sup>136</sup> Lindy, Orthia, ““What’s Wrong with Talking About the Scientific Revolution? Applying Lessons from History of Science to Applied Fields of Science Studies,” *Minerva: A Review of Science, Learning & Policy* 54, no. 3, (Sept., 2016), 354.

suspects. An investigation of the depiction of the apprehension and conviction of criminals in printed material published in the second half of the seventeenth century reveals a shift away from the miracles and divine providence prevalent in narratives printed during the late sixteenth and early seventeenth centuries.

Overall, the breakdown of censorship, the pamphlet wars of the 1640s, and the severing of Charles I's head created not only an atmosphere which permitted questions about the nature of authority, but also the means to communicate those questions far beyond the houses of Parliament. Although patriarchal authority did not definitively tumble down with the king's head, it did begin to slowly erode. While elite writers, such as Hobbes and Locke, explicitly challenged divine right and patriarchal authority, the authors of crime literature expressed their views on order in unintentional and more subtle ways. Thus, studying murder pamphlets will show both how the early modern system of law enforcement was perceived and how the mentality of those who wrote and read about crime changed over the seventeenth century.

### **3.1 A Murder Most Strangely Revealed: Apprehending a Seventeenth-Century Criminal**

In his 2008 study on crime and control, Paul Griffiths designated England's capital city "Lost Londons."<sup>137</sup> He deemed London "Lost" because it was a city suffering in prestige and power and "Londons," plural, because rapid change meant that it constantly had to be reimagined by its residents.<sup>138</sup> London's population more than doubled over the course of the seventeenth century. A constant influx of migrants from the greater British Isles and immigrants from the Continent

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<sup>137</sup> Griffiths, *Lost Londons: Change, Crime and Control in the Capital City, 1550-1660* (New York: Cambridge University Press, 2008).

<sup>138</sup> Griffiths, *Lost Londons*, "Preface," XIV.

and beyond meant that despite the fact that deaths outnumbered births the population of London swelled from 200,000 in 1600 to a staggering 490,000 by the end of the century.<sup>139</sup> For early modern Londoners such unbridled growth created an atmosphere of crowded streets and tenements that contributed to rising anxiety about disorder and crime. While city officials erected institutions such as Bridewell to contain crime, pamphleteers lamented it in print. Writers repeatedly stressed how “many and notorious have been the murthers of late.”<sup>140</sup> This anxiety is palpable in *An Exact Relation of the Bloody and Barbarous Murder, Committed by Miles Lewis, and His Wife* whose author claims, “The great and manifold massacres and inhumane murders that are now dayly complotted and enacted (by the Instruments of Sathan) in these our latter times, are almost innumerable.”<sup>141</sup> To contemporaries, London was suffering the greatest crime wave it had ever known.<sup>142</sup>

The ordinary people who worked or resided near the place of a crime were the first line of defense against this influx of lawlessness. London’s overwhelming population growth had a double-sided effect on crime. On the one hand, rapid growth could offer the benefits of anonymity and greater mobility to criminals. On the other hand, it also led to crowding, which

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<sup>139</sup> Finlay and Shearer in Jacob Selwood, *Diversity and Difference in Early Modern London*, (Burlington, VT: Ashgate Publishing Company, 2010), 21.

<sup>140</sup> Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1686), 3.

<sup>141</sup> Anonymous, *An Exact Relation of the Bloody and Barbarous Murder, Committed by Miles Lewis, and His Wife*, (London, 1646), A2r.

<sup>142</sup> Statistics concerning serious crime in this period can be misleading. The number of unreported or undetected murders combined with incomplete court records makes it difficult to quantify incidences of murder. Based on surviving records, there were slight rises in the number of felony indictments in the late sixteenth century and again near the end of the seventeenth century, but overall there seems to be a pattern of steady decline in serious crime. So, it would seem contemporary anxiety over the rise in murders was high in proportion to actual incidences. For more on felony statistics see, J.A. Sharpe, *Crime in Early Modern England, 1550-1750*, (New York: Routledge, 1999) and J.S. Cockburn, “Patterns of Violence in English Society: Homicide in Kent 1560-1985,” *Past & Present* 130, No. 1 (February, 1991), 70-106.

meant that potential witnesses were never far away. The close proximity of housing meant that the city's 109 parishes constituted "little worlds" with scant privacy and endless gossip.<sup>143</sup> The sounds of an unhappy marriage seeped through thin walls; supper tables, taverns, and markets buzzed with idle talk. Anonymity may have cloaked the misdeeds of a wanderer, but it was not a luxury available to the husbands and wives in this study.

Cheap print offers ample evidence to support the notion that early modern law enforcement relied on the cooperative efforts of both laymen and professionals. As J.A. Sharpe noted, "law was considered essential for the preservation of civil society," and that preservation required the efforts not only of officers, juries, and judges, but also those of the public.<sup>144</sup> In fact, he places the importance of public efforts over those of law enforcement officers, stressing officers' tendency to be partial, corrupt, and inept. He goes so far as to argue that law and order would have been "impossible" without public cooperation.<sup>145</sup> Indeed, all householders were required to participate in the local watch system and their efforts are evident in the popular print.

However, a survey of crime narratives demonstrates that women were equally active participants in the apprehension of criminals. *Bloody Actions Performed: Or, A Brief and True Relation of Three Notorious Murthers, Committed by Three Bloud Thirsty Men* contains the story of Thomas Laret, a carpenter who killed his wife with a tool of his trade.<sup>146</sup> The murder was witnessed by a female neighbor who "stood at the window whilst he was beating his wife."<sup>147</sup> She did not dare enter but called to him, then did "runne away for feare he should kill her

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<sup>143</sup> Griffiths, *Lost Londons*, 67-71.

<sup>144</sup> Sharpe, *Crime in Early Modern England*, 205.

<sup>145</sup> Paul Griffiths challenges Sharpe's and others assessment of officers in *Lost Londons*. See discussion below. Sharpe, *Crime in Early Modern England*, 57.

<sup>146</sup> Anonymous, *Bloody Actions Performed: Or, A Brief and True Relation of Three Notorious Murthers, Committed by Three Bloud Thirsty Men Upon Their Own Wives*, (London, 1653), 11.

<sup>147</sup> Anonymous, *Bloody Actions Performed*, 11.

also.”<sup>148</sup> The next morning, she and another neighbor found him as he went to buy a coffin and took him to the Justice of the Peace. In this case, the witness was helpless to prevent the act but was able work with local officers to ensure Laret was taken to trial where he was found guilty and sentenced to hang in chains at Islington where the murder was committed. In contrast, Jacob Turner’s neighbors stopped him in the act. *News From Bishops-Gate-Street* acquaints its reader with the unhappy end of Jacob and Mary Turner.<sup>149</sup> The couple lived together for 22 years until one day in 1689. On Wednesday, January 2, Turner returned to his lodgings after drinking at The Lamb. He led his wife up to their room, fell to beating her, and stabbed her in the ribs with a house knife. The landlord overheard the attack, rushed into the room, and he and his son quickly overpowered Turner. A neighbor woman came in and sent for a surgeon to tend to Mary’s wounds. Unfortunately, their intervention came too late. After languishing for a week, Mary died and the neighbors sent for the constable. Turner did not deny the act and was found guilty of willful murder.

When I began this study, I wondered if men and women were equally involved in law enforcement. The accounts of male perpetrators reveal that they were. Both of the above examples concern murderous men and record the involvement of both sexes in their apprehension. They are representative of nearly all of the pamphlets in this study regarding male killers, which suggests that the assistance of women in the pursuit of justice was as valuable to officers of the law as that of men. However, to fully understand how the patriarchal ideal influenced law enforcement, another question must be asked: were women as diligent about apprehending criminals of their own sex? In a society where the ideal household was ordered in a

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<sup>148</sup> Anonymous, *Bloody Actions Performed*, 11.

<sup>149</sup> Anonymous, *News From Bishops-Gate-Street, Being a True Relation of a Most Barbarous and Bloody Murder Committed by One Jacob Turner, a Broad-weaver, Upon Mary Turner his Wife*, (London, 1689).

patriarchal hierarchy, women were expected to be subservient to men. One might expect that their inferior position would foster feelings of solidarity which would make women reluctant to accuse one of their own. It did not. In print, women were as diligent in bringing female felons to justice as they were with men.

Furthermore, a look at the motive of female killers shows that solidarity between women did not lessen their sense of duty to maintain order. There were two motives which predominately led women to kill their spouses: adultery and abuse.<sup>150</sup> Most convicted women killed their husbands either to make room for their lovers or because they could no longer tolerate the domestic violence they suffered. While adultery was condemned equally by both sexes, it would be reasonable to suspect that solidarity between women or mere pity would cause both men and women to look the other way when an abusive husband turned up dead. It is possible that this did in fact happen and is concealed in the “dark figure” of unknown crime, that which was either undetected or unreported.<sup>151</sup> However, this is not the case in crime literature.

Female killers were brought to justice for their crimes by both sexes regardless of their motive. Furthermore, when these women did find themselves on trial for murder, the options available to them were far fewer than those afforded to men. Under the law, murder could be reduced to a lesser offense if there were mitigating factors, but this flexibility in the law was not made available to women. There was no justifiable excuse in the courthouse for a woman to kill a man. In 1680, when Margaret Osgood was tried for killing her husband, Walter Osgood,

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<sup>150</sup> Of 20 women discussed in 30 pamphlets: adultery was cited as the motive for 8, abuse for 4, adultery and abuse for 1, money for 4, no motive listed for 2, and 1 woman seemed to kill anyone who displeased her.

<sup>151</sup> J. S. Cockburn, “The Nature and Incidence of Crime in England 1559-1625: A Preliminary Survey,” in J. S. Cockburn, ed., *Crime in England 1550-1800*, 50.



neighbors testified that they heard him threaten to kill her first.<sup>152</sup> This fact had no effect on the male neighbor to whom Osgood confessed that she “thought it better to kill than be killed.”<sup>153</sup> He told her he must seize her and set somebody to watch her while he went to find the constable. Unlike Margaret Osgood, Mary Hobry endured more than threats from her husband. *A Warning Piece to All Married Men and Women* states that Hobry’s husband “abused [her] at such inhumane rate” and that “she long endured before she told her neighbors.”<sup>154</sup> On the day of his death, Denis Hobry came home at 5 o’ clock in the morning, dragged her out of bed, then took her in his arms and “stopped her vital breath.”<sup>155</sup> When she came to, he was passed out, and she took the opportunity to strangle him. She was apprehended trying to dispose of his body near a dunghill.

Likewise, Katherine Fox was apprehended by neighbors for killing her husband and children despite the fact that he had wasted their plentiful estate, starved his children almost to their death, beat her and left her for dead.<sup>156</sup> Regardless of her husband’s history of abuse and neglect, Katherine Fox’s desperate act was construed as revenge. Her neighbors did not allow her suffering to prevent them from their duty to uphold the law.

These pamphlets recount again and again tales of maids discovering their master’s corpse, men stumbling upon bodies in fields where they worked, and women hearing violence done through walls. They could have turned away, kept quiet, moved on; doubtless some did, but not those who made it into print. The ordinary people in pamphlets called out for watchmen or

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<sup>152</sup> Anonymous, *Dreadful News from Southwark: Or a True Account of the Most Horrid Murder Committed by Margaret Osgood*, (London, 1680), 2.

<sup>153</sup> Anonymous, *Dreadful News from Southwark*, 2.

<sup>154</sup> Anonymous, *A Warning-Piece to All Married Men and Women, Being the Full Confession of Mary Hobry*, (London, 1687/8), 1.

<sup>155</sup> Anonymous, *A Warning-Piece to All Married Men and Women*, 1.

<sup>156</sup> Anonymous, *The Distressed Mother: Or Sorrowfull Wife in Tears*, (London, 1690).

sent for the constable. Although Sharpe's claim that law and order would have been impossible without the cooperation of the public seems overstated, crime literature does provide evidence that their assistance did help bring in many felons. For example, the author of *Sundrye Strange and Inhumane Murthers, Lately Committed* states that no murder was suspected in the death of Master Padge until his sister "spied blood upon [his] bosom...moved his head and found his neck broken."<sup>157</sup> She went to the mayor desiring justice and by this effort Mistress Padge was arrested for his murder.

Although many criminals were brought to justice through public assistance, their efforts required the assistance of appointed officers to maintain order. London was policed by a system of watchmen, bailiffs, constables, and Justices of the Peace. Sharpe and others have painted a grim picture of this system, citing officers' corruption or negligence, or by writing them off as amateur and thus, ineffective.<sup>158</sup> Griffiths challenges these claims, arguing that London was better policed than has been previously asserted.<sup>159</sup> He does not deny that some officers were abusive or fell on the wrong side of the law, but stresses that this was not the norm. Griffiths argues that the performance records of officers are patchy and that "abuse" is a term open to interpretation.<sup>160</sup> He also contends that too much emphasis has been placed on private prosecution, arguing instead that London's officers were actively involved in clearing up crime and did most of the legwork.<sup>161</sup>

Much like the patchy performance records that Griffiths examined, many of the pamphlets in this study make only brief references to the officers involved in apprehension:

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<sup>157</sup> Anonymous, *Sundrye Strange and Inhumane Murthers, Lately Committed*, (London, 1591), B3v.

<sup>158</sup> On the faults of inferior officers, see Sharpe, *Crime in Early Modern England*, 106; On the corruption of coroners, see Gaskill, *Crime and Mentalities in Early Modern England*, 247.

<sup>159</sup> Griffiths, *Lost Londons*, 331.

<sup>160</sup> Griffiths, *Lost Londons*, 317.

<sup>161</sup> Griffiths, *Lost Londons*, 361.

“officers seized him,” “she was taken by the Old-Street watch,” “she was seized by an officer.”<sup>162</sup> However, there are some that provide details which support Griffith’s statement that officers did much of the legwork. In *Bloody News From Southwark: Or A Perfect Relation How the Master of the Ship-Inne neer Dead-Man-Place was Found Barbarously Kill’d Upon his Bed*, Mrs. S. tried to pass off her husband’s death as suicide by placing a pistol next to him. But the bailiff that examined the scene “feared there was something more in it than self murther,” and sent for a constable.<sup>163</sup> Similarly, a farmer tried to conceal the murder of his wife with a hasty burial but was found out when the coroner arrived.<sup>164</sup> The farmer was apprehended after the coroner opened the coffin and saw “how he had stopt her mouth, and stuck an awl in her head.”<sup>165</sup> *Digitus Dei: Or, An Horrid Murther Strangely Detected* also credits the work of officers in bringing the murderer of Ruth Anton to justice.<sup>166</sup> Its author applauds the great “vigilancy” and care of the constables to pass along anything they heard concerning her death.<sup>167</sup> Anton’s lover, Richard Rogers, was suspected but denied the act and “had many friends present to plead for him.”<sup>168</sup> They were not able to accuse him until the testimony gathered by the constables provided evidence of his involvement in her death.

So far, this chapter has explored the participation of ordinary people and local officers in maintaining law and order. Both contemporary literature and historiography on crime support the

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<sup>162</sup> Anonymous, *Bloody News From Hampshire, Or the Inhumane Husband, and Most Barbarous Father*, (London, 1675), 6; Sarah Elestone, *The Last Speech and Confession of Sarah Elestone*, (London, 1678), 3; Anonymous, *A Cabinet of Grief: Or, The French Midwife’s Miserable Mean for the Barbarous Murther Committed Upon the Body of her Husband*, (London, 1688), 6.

<sup>163</sup> Anonymous, *Bloody News From Southwark: Or A Perfect Relation How the Master of the Ship-Inne neer Dead-Man-Place was Found Barbarously Kill’d Upon his Bed*, (London, 1676), 7.

<sup>164</sup> Anonymous, *Bloody Newes From St. Alban’s*, (London, 1661), 6.

<sup>165</sup> Anonymous, *Bloody Newes From St. Alban’s*, (London, 1661), 6.

<sup>166</sup> A.J., *Digitus Dei: Or, An Horrid Murther Strangely Detected*, (London, 1664).

<sup>167</sup> A.J., *Digitus Dei*, Sig. B3r.

<sup>168</sup> A.J., *Digitus Dei*, Sig. B3r.

notion that law enforcement was a cooperative effort. It was a system which functioned best with the effort of both groups. The public made a significant contribution in the detection and witness of murder, but officers were equally important in the apprehension of criminals. Whether order could have been possible without public cooperation is impossible to conclusively determine; people were involved in every case, but this does not necessarily lead to the conclusion that officers could not have detected and solved cases on their own, as Sharpe implied. Considering the cases in this study altogether, it is irrelevant to argue for the importance of one groups' efforts over another. It is more useful to observe the balance between them. The combination of their efforts proved to be most effective.

Furthermore, this survey of the portrayal of law enforcement in crime narratives has shown that the maintenance of order transcended the gender divide. The authors of cheap print provide as much evidence of women who assisted in the apprehension of criminals as they do of men. In addition, these narratives show that women did not hesitate to facilitate the arrest of other women, regardless of the domestic abuse that led many women to kill their husbands. In the next section, I will explore a third element involved in the apprehension of criminals: divine providence.

### **3.2 Behold the Works of God: Detecting Murder Through Divine Providence**

In the previous section, we looked at the participation of law enforcement officers and lay people in the detection of crime and apprehension of criminals. However, some cases needed extra assistance. For many of them, it came in the form of divine intervention. Despite the fact that Protestant reformers had expressed disdain for the superstitious beliefs of traditional religion,

popular print supplies evidence that many people continued to interpret unusual occurrences as signs of divine intervention. However, further investigation of these narratives reveals a gradual shift in print away from the depiction of an interventionist deity as advancements in science encouraged the use of more empirical evidence. As Keith Thomas argued, “the notion that the universe was subject to immutable natural laws killed the concept of miracles, weakened the belief in the physical efficacy of prayer, and diminished faith in the possibility of direct divine inspiration.”<sup>169</sup> Although the process was more gradual than Thomas implies, popular print confirms that signs long-interpreted as divine intervention became less prevalent in the detection of crime.

The use of supernatural occurrences to illustrate God’s intercession in earthly affairs was a common device in late-sixteenth and early-seventeenth century narratives. It functioned as a source of amusement in otherwise grim tales and also assured readers that killers would receive their deserved punishment. In 1591, *Sundrye Strange and Inhumane Murthers, Lately Committed* related the murder of Master Padge by his wife and her lover. Together, they suffocated Padge, broke his neck, then put his body in his bed to make it look as if he had died in his sleep. As noted above, Padge’s sister suspected otherwise when she saw blood on his chest and found his neck to be broken. It was she who alerted the authorities, bringing about the investigation that led to Mistress Padge. However, the author also notes several unusual sightings in town on the night of the murder. First, “an ugly thing formed like a beare, whose eyes were as it had been fier, bearing about him a linnen, cloth representing the instrument....of murder.”<sup>170</sup> Second, a raven was seen to repeatedly hang itself from the rope of a ship’s mast in the harbor. Finally, the same

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<sup>169</sup> Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England*, (1971; reps., New York: Penguin Books, 1991), 769-770.

<sup>170</sup> Anonymous, *Sundrye Strange and Inhumane Murthers, Lately Committed*, (London, 1591), Sig. B4v.

ship, which was grounded, “turned around to bring her stem where earlier her sterne did lye.”<sup>171</sup>

In one sense, the record of these sightings was surely intended to add an element of entertainment and mystique to the story, but in other ways it was meant to illustrate the work of God to reveal that Padge did not die of natural causes.

Malcolm Gaskill’s work with court depositions shows that the interpretation of supernatural events served a purpose beyond entertainment. He asserts that, “many English murder witnesses presented their evidence either in the supernatural idiom of providential miracles—bleeding corpses, ghosts, and dreams—or otherwise packaged and embellished what they knew in order to articulate a particular interpretation of material evidence or versions of events.”<sup>172</sup> Gaskill argues that supernatural elements or evidence of divine intervention illustrate genuine belief in providence and also served as a fictionalization that was “ideally suited to crimes which might not otherwise be proven in the absence of professional policing and advanced forensic procedure.”<sup>173</sup> Evidence from crime literature supports both interpretations.

Pamphleteers repeatedly stress God’s role in detecting murder and orchestrating justice with as much fervor as they advocate divinely-ordained gender roles. Just as the Bible serves to justify adherence to the patriarchal ideal, so too does it explain divine intervention in criminal justice. In 1592, Thomas Kyd cites the biblical story of Cain and Abel to demonstrate the longstanding existence of divine justice.<sup>174</sup> Kyd states, “albeit there was none in the world to accuse Caine for so fowle a fact...yet the blood of the just Abel cried most shrill in the eares of

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<sup>171</sup> Anonymous, *Sundrye Strange and Inhumane Murthers*, Sig. B4v.

<sup>172</sup> Malcolm Gaskill, “Reporting Murder: Fiction in the Archives in Early Modern England,” *Social History* 23, No. 1 (Jan. 1998), 4.

<sup>173</sup> Gaskill, “Reporting Murder,” 4.

<sup>174</sup> Thomas Kyd, *The Trueth of the Most Wicked and Secret Murthering of John Brewen, Goldsmith of London, Committed by His Owne Wife*, (London, 1592), A2r.

the righteous God for vengeance and revenge on the murderer.”<sup>175</sup> He claims this prompted God to ordain a law that “the cruel + unjust blood-sheader should have his blood justly shed again.”<sup>176</sup> This sets a precedent for Kyd’s account of the love triangle between Anne Welles, John Parker, and John Brewen. Welles loved Parker more but he would not consent to marry her, so she wed Brewen instead. Parker continued to pursue Welles and “continually urged her to make [Brewen] away.”<sup>177</sup> Welles eventually gave in to Parker’s demands and poisoned Brewen but “no person as then suspected any manner of evil.”<sup>178</sup> Kyd assures the reader that God would not allow murder to go unpunished no matter how long it remained concealed. Two years later, neighbors overheard Welles and Parker arguing about Brewen’s death and carried them both before the Alderman to be examined. She confessed and they were both condemned. Kyd concludes, “the Lorde will bring it out.”<sup>179</sup> This account also demonstrates that providence could take many forms. In some narratives, providence is worked through charmed beasts, while in others handicapped humans recover a lost sense through divine miracles. In Kyd’s account, intercession is achieved through a neighbor who was in the right place at the right time.

Similar statements are contained in a majority of crime pamphlets. *Sundrye Strange and Inhumane Murrthers, Lately Committed* declares that “although God suffer the murtherer to escape for a time, yet doth he followe them with so sharpe revenge.”<sup>180</sup> *Digitus Dei* warns that “Hell itself cannot find out a place so close and dark, to hide Murder, but Heaven can and will (though by the hands of obscure and unexpected agents) send, if not the sun of plain proof, yet at

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<sup>175</sup> Kyd, *The Trueth of the Most Wicked and Secret Murthering*, A2r.

<sup>176</sup> In Christian theology, God does not shed Cain’s blood but sentences him to wander the Earth for the rest of his days. Kyd, *The Trueth of the Most Wicked and Secret Murthering*, A2r.

<sup>177</sup> Kyd, *The Trueth of the Most Wicked and Secret Murthering*, 2.

<sup>178</sup> Kyd, *The Trueth of the Most Wicked and Secret Murthering*, 5.

<sup>179</sup> Kyd, *The Trueth of the Most Wicked and Secret Murthering*, 6.

<sup>180</sup> Anonymous, *Sundrye Strange and Inhumane Murthers*, B1v.

least the glimmering light of circumstance, to the detecting of the most secret murderer.”<sup>181</sup> *The Bloody Lover: Or, Barbarous News from Gloucester* reassures us that even though William Hall had not yet been apprehended for the murder of Sarah Butt, “we doubt not but that the most just and blood-revenging providence of Heaven (that never suffers Murtherers to go unpunished) will in due time bring him to light.”<sup>182</sup> For, “though Heaven seems slow in such offenders dooms, its stroke is sure, and dreadful when it comes.”<sup>183</sup> These passages illustrate authorial intent to assuage readers’ fear of the rising incidence of murder by showing that God would intervene to restore order. Despite the fact that anxiety over rising criminal activity is not supported by surviving records on felony crimes, the assurances in the literature indicate that such concerns continued to dominate public opinion throughout the seventeenth century. While authors might occasionally praise the efforts of ordinary people or officers, they almost always exalted the power of God to bring about justice.

This not only reflected the views of pamphleteers, but also those of society as a whole. Christopher Haigh’s research on the Protestant Reformation in England challenges historians who have bundled its events together into one big event with one big cause.<sup>184</sup> They celebrate the achievement of progress through the victory of realism, rationalism, and freedom and the defeat of Catholicism and superstition. Haigh argues that this approach is an illusion which exaggerates conflict, accelerates change, and leaves out opponents.<sup>185</sup> While Haigh is concerned with much broader issues concerning the historical interpretation of the Reformation in England, his approach is useful in this study as a way to understand the use of supernatural evidence in crime

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<sup>181</sup> A.J., *Digitus Dei*, A1r.

<sup>182</sup> Anonymous, *The Bloody Lover: Or, Barbarous News from Gloucester*, (London, 1673), 7.

<sup>183</sup> Anonymous, *The Bloody Lover*, 7.

<sup>184</sup> Christopher Haigh, *English Reformations: Religion, Politics and Society Under the Tudors*, (Oxford and New York: Oxford University Press, 1993), 14.

<sup>185</sup> Haigh, *English Reformations*, 14-16.



literature. Coinciding with reformers' desire to shed the superstitions of traditional religion, there still existed a universal belief that God would expose and punish sinners.

Moreover, pamphlets did not merely state that God would intervene, but also provided rich examples of magical occurrences. God's judgment and justice was everywhere. In 1580, Anthony Munday reported many examples of God's wrath in the form of blazing stars and "two great Tides in one houre contrary to nature" in England, a deformed creature borne of an ancient woman in Italy, and a fearful tempest in Bohemia.<sup>186</sup> Munday intertwined these miraculous events with stories of strange murders, suicides, and other unnatural deaths. As Haigh asserted, miraculous events continued to captivate audiences over a century later.<sup>187</sup> In 1694, *Gods Marvellous Wonders In England* reported a strange shower of wheat, a terrible storm of hail, corn sprouting in a field in Kent where none had been sown for four years, and a "mighty monstrous whale appearing off the mouth of the River Humber, of 40 feet in length."<sup>188</sup> Thus, over 150 years after the Reformation began, miraculous events continued to find purchase in popular print.

It was not only God's wrath that was reveled through unnatural phenomena, such as deformed infants and damaging storms, but also his justice. Murder was considered a sin so heinous that God would not allow it to go unpunished. To this end, the divine intervention depicted in print often occurred through the actions of earthly agents. In the late sixteenth and

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<sup>186</sup> Anthony Munday, *A View of Sundry Examples*, (London, 1580), C5r-C6v.

<sup>187</sup> Haigh argues that the series of political reformations over the course of the sixteenth century succeeded in driving Catholic worship from public churches, but did not destroy Catholic views of life. He observes that several kinds of English Christians existed after the Protestant Reformations, including "Old Catholics." Haigh, *English Reformations*, 289-290.

<sup>188</sup> Anonymous, *Gods Marvellous Wonders in England*, (London, 1694), 1.

early seventeenth century, these agents often took the form of animals or “dumb” people.<sup>189</sup> Once again, *Sundrye Strange and Inhumane Murthers* provides an example. Here, providence appeared in the form of a dog that uncovered Alice Shepheard’s act of infanticide. The dog detected the scent of flesh where Alice had buried her bastard infant. It then scraped the ground until the corpse was unearthed and remained by its side until a man passing by alerted authorities. In 1606, dogs were put to work again in *The Most Cruell and Bloody Murther Committed by an Inkeepers Wife, called Annis Dell, and Her Sonne George Dell*, which recounts the murdering of the James family.<sup>190</sup> This case required multiple works of God over the span of four years to reveal the culprits. Dell and her son were suspected and bound over to appear at multiple assizes over the course of four years. At each assize Dell was released due to a lack of evidence until God finally intervened. First, a dog led a group of hunters to the son’s corpse, then a rooster’s crows enabled a mute girl to speak. With her God-given voice, she told her story to the bailiffs and constables. The author of the account declares that, “by her the wonderful workes of God might be glorified, and the Murtherers discovered.”<sup>191</sup>

Over a half of a century later, God continued to play the role of detective in crime narratives. In 1669, John Talbot was murdered by a band of thieves. The author here describes how some dogs in the garden “did very much bellow as if God had caused [them] to be some kind of occasion of mercy to the wounded man,” but “the voyce of the creatures seemed not loud enough to deter the assaylents...soon after the heavens spake terribly in thunder.”<sup>192</sup> The great

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<sup>189</sup> The term “dumb” was commonly used to refer to a person who had lost the ability to speak or were otherwise lacking in communicative capacity. See also: Anonymous, *Three Bloodie Murders*, (London, 1613). Here, a “dumb” maid and a dog discover the murdered corpse of Elizabeth James servant.

<sup>190</sup> Anonymous, *The Most Cruell and Bloody Murther Committed by an Inkeepers Wife, Called Annis Dell, and Her Sonne George Dell*, (London, 1606).

<sup>191</sup> Anonymous, *The Most Cruell and Bloody Murther*, Sig. C1r.

<sup>192</sup> Anonymous, *A Perfect Narrative of the Robbery and Murder Committed near Dame Annis So Cleer, On Friday Night, the Second of July, 1669, Upon the Body of Mr. John Talbot*, (London, 1669), 6.

rain shower that ensued caused the nearby brick-makers to come out of their houses. While covering their bricks to protect them from the moisture, they discovered the dying Talbot and carried him to safety. Talbot was then able to identify his killers before he expired.

Throughout the seventeenth century, providential evidence continued to be crucial in the process of apprehending and convicting murderers. However, over the course of time there seems to be a shift in God's choice of agents. While pamphlets from the late sixteenth and early seventeenth century told stories of dogs, ravens, and "dumb" witnesses, authors writing in the latter part of the century increasingly recorded God's work through human actors. The story of John Talbot's murder seems to unintentionally illustrate this transition: although God did cause the dogs to bark, their barking was not what caused the crime to be discovered. Rather, it was the human brick-makers who detected the murder. While some historians have argued for the decline of God's intervention on earth in the aftermath of the Reformation, Alexandra Walsham has shown that providentialism, the belief that all of the events on Earth were controlled by God, persisted well into the seventeenth century.<sup>193</sup> In her examination of popular print concerning a 1623 catastrophe at Blackfriars, which resulted in the deaths of over one hundred Catholics, she argues that "Providentialism was possibly one more respect in which Protestantism, far from smothering or eradicating 'superstition' helped in fact to sustain and intensify it, and to reinforce key elements of an older cosmology."<sup>194</sup>

Over the course of the seventeenth century, popular print continued to report the effects of God's intercession. However, in crime literature, a slow transition can be seen in the increase

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<sup>193</sup> For a discussion of the "disenchantment" of early modern society see, Max Weber, *The Sociology of Religion*, (English translation from the fourth edition, Boston, MA: Beacon Press, 1991); Keith Thomas, *Religion and the Decline of Magic*. Alexandra Walsham, "'The Fatall Vesper': Providentialism and Anti-Popery in Late Jacobean London," *Past and Present* 144 (1994): 36-87.

<sup>194</sup> Walsham, "'The Fatall Vesper'," 61.

of murders detected through the less dramatic efforts of humans rather than charmed beasts. More and more agents under God's influence took the form of neighbors or passersby who heard or saw criminals in the act, but the cause of this transition appears to stem more from advancements in forensic procedures and standards of evidence than from a waning of providentialism. This transition can be attributed to two developments in early modern scientific culture, one being the triumph of mechanical philosophy. Keith Thomas argued that the new science which had contributed to the decline of magic, "also carried with it an insistence that all truths be demonstrated, an emphasis on the need for direct experience, and a disinclination to accept inherited dogmas without putting them to the test."<sup>195</sup> The other impetus for this shift away from providential evidence was the emergence of legal medicine. In *Legal Medicine in History*, Michael Clark and Catherine Crawford define the field as "the application of medical knowledge in the broadest sense to help solve legal problems or satisfy legal requirements".<sup>196</sup> Their definition includes both the medical evidence provided to investigators and the post-mortem procedures carried out by surgeons, midwives, and physicians. In addition to providing a general history of legal medicine, the essays in the first part of this collection challenge the longstanding assumption that England lagged behind continental Europe in the practice of legal medicine.<sup>197</sup> They assert that the lack of printed material devoted to legal medicine, previously seen as an indication of England's "backwardness," does not represent its absence in practice.

One notable exception to this trend appears in a 1690 ballad, *Strange and True News from Westmoreland*, in which Gabriel Harding killed his wife.<sup>198</sup> It reports that Harding came home

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<sup>195</sup> Thomas, *Religion and the Decline of Magic*, 771.

<sup>196</sup> Michael Clark and Catherine Crawfords, eds., *Legal Medicine in History*, (New York and Cambridge: Cambridge University Press, 1994), 2.

<sup>197</sup> Clark and Crawford, eds., *Legal Medicine in History*, 3.

<sup>198</sup> Anonymous, *Strange and True News from Westmoreland*, (London, 1690).

drunk and struck her with a blow that ended her life. Their children witnessed the act and ran out into the street alerting neighbors with their cries. When Harding denied the act, the people sent for the coroner. Before the coroner arrived, there was a knock at the door and a stranger entered. The ballad declares, “His eyes like to the Stars did shine, He was clothed in a bright Grass Green; His cheeks was of a Crimson Red, for such a man was seldom seen.”<sup>199</sup> Eye witnesses said the stranger was an angel. The stranger told them not to send for the coroner, for “I’m Judge and Jury here this day.”<sup>200</sup> Then Satan entered, declared that he instead would be the judge, and broke Harding’s neck. The stranger commanded Satan to leave, told the people to keep love in their hearts, then departed. Although this ballad may seem to confirm the enduring belief in providentialism in the late sixteenth century, both the fantastic nature of events and their presentation in the form of a ballad better support the idea that the author intended this story to be entertainment rather than a true-to-life report of events. When this ballad was printed, the trend in crime literature was the growing number of pamphlets in the form of court reports on the proceedings of the Sessions House in the Old Bailey or of the Oyer and Terminer.<sup>201</sup> Considered alongside this trend, this ballad appears more like a modern-day tabloid reporting on a UFO sighting and less like authentic news. Furthermore, while crime narratives support Walsham’s claim that providentialism persisted into the seventeenth century, by the end of the century

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<sup>199</sup> Anonymous, *Strange and True News*, 1.

<sup>200</sup> Anonymous, *Strange and True News*, 1.

<sup>201</sup> For instance, *The Behaviour, Confession, and Execution of the Twelve Prisoners That Suffer’d on Wednesday the 22 of Jan. 1678/9* was printed anonymously, but noted that Sam Smith, Ordinary of Newgate attested to its authenticity. Likewise, *The Behaviour, Last Speeches, Confessions, and Execution of the Prisoners that Suffered at Tyburn on Friday the 7th of March, 1678/9* claims the Ordinary attested to the truth of its content. Anonymous, *The Behaviour, Confession, and Execution of the Twelve Prisoners That Suffer’d on Wednesday the 22 of Jan. 1678/9*, (London, 1678/9), 8. Anonymous, *The Behaviour, Last Speeches, Confessions, and Execution of the Prisoners that Suffered at Tyburn on Friday the 7th of March, 1678/9*, (London, 1678/9), 1.

ballads such as *Strange and True News From Westmoreland* were outnumbered by court reports and accounts by Newgate's Ordinary.

### 3.3 A Complete Narrative of the Trial: Circumstances, Evidence, and the Rise of the "Chirurgion"

Much like the apprehension of felons in early modern England, convictions too relied on a combination of lay witnesses, expert testimony, and supernatural occurrences. While the use of providential evidence continued to be a feature in some narratives, it was increasingly replaced by the empirical evidence offered through the practice of legal medicine. In some cases, suspects immediately and voluntarily confessed their crimes. For example, the ballad of *The Unnatural Wife* states that Mrs. Davis stabbed her husband, then "out of doors...straight did run" to confess the act to her neighbors. *Bloody News From Clerkenwell* reports that a journeyman cooper who killed his wife with an adze was easily apprehended because he did not run and did not deny it when examined.<sup>202</sup> But examples like these are rare. In most cases evidence had to be obtained through the processes of examination and trial in the hopes of either drawing out a confession or enabling the jury to convict without one.

The most convincing pieces of evidence, aside from voluntary surrender and confession, were witnesses at the scene of the crime or those who arrived just before the victim expired. In situations such as those, a common device used in crime literature was for the victim to announce their death to bystanders. As Gaskill notes, "In modern murder trials forensic evidence

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<sup>202</sup> Anonymous, *The Unnatural Wife: Or, The Lamentable Murther of One Goodman Davis*, (London, 1628), 1; Anonymous, *Bloody News From Clerkenwell, Or, A Full and True Relation of a Most Horrid and Barbarous Cruelty, Committed by a Journey-Man-Cooper*, (London, 1670), 7.

speaks for the dead; in early modern England, the dead had to speak for themselves.”<sup>203</sup>

Examples are not difficult to find. In a 1675 pamphlet, Elizabeth Lillyman’s husband pointed to his wound and declared, “Here, here my wife hath kill’d me.”<sup>204</sup> In 1682, Mrs. Dorothy White reportedly said, “Thomas, Thou hast killed me,” after her husband stabbed her with his scimitar.<sup>205</sup> Likewise, Esther Ives and John Noyse were apprehended when the town bell-man passing by heard Ives’ husband cry out, “What dost thou do to me, Noyse?”<sup>206</sup> Last words in popular print added to the entertainment value of accounts and also helped convince the reader that a murder conviction was just.

In the absence of a voluntary confession or last dying words, pamphleteers offered divine evidence as proof of guilt. As discussed in the previous section, providence came in many forms. In much the same way that dogs and mutes helped discover murder, God brought evidence to light through ghosts and reanimated corpses. In *Religion and the Decline of Magic*, Keith Thomas argues that “the basic possibility of ghosts...was dramatically altered by the Reformation.”<sup>207</sup> He claims that a belief in ghosts became “a shibboleth which distinguished Protestant from Catholic almost as effectively as belief in the Mass or the Papal supremacy” and was regarded by Protestants as the “product of Popish fraud and deception.”<sup>208</sup> While this may be true of theological debates, it does not reflect the sentiment of popular beliefs. Much like providentialism, the belief in ghosts may have been declining but neither disappeared altogether. The crime narratives in this study show that divine intervention, in various forms, persisted into

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<sup>203</sup> Gaskill, “Reporting Murder,” 25.

<sup>204</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, (London, 1675), 5.

<sup>205</sup> Anonymous, *A True Relation of the Most Horrible Murther Committed by Thomas White of Lane Green in the Parish of Auffley in the County of Salop*, (London, 1682), 4.

<sup>206</sup> Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1687), 4.

<sup>207</sup> Keith Thomas, *Religion and the Decline of Magic*, 702.

<sup>208</sup> Thomas, *Religion and the Decline of Magic*, 703.

the seventeenth century. Furthermore, Gaskill convincingly illustrates that, in the pursuit of criminal justice, “the role of ghosts as providential messengers was actually strengthened.”<sup>209</sup> A 1690 pamphlet supports this claim.

According to the author of *A Full and True Relation of the Examination and Confession of W. Barwick and E. Mangall*, the ghost of Barwick’s wife was crucial to his conviction.<sup>210</sup> The title page warns: “so certainly does the Revenge of God pursue the Abominated Murderer that when Witnesses are wanting of the Fact, the very Ghost of the Murdered-Parties cannot rest quiet in their Graves, till they have made the Direction themselves.”<sup>211</sup> The story inside states that Barwick forced his pregnant wife to accompany him to a secluded pond where he drowned her then buried her body beside it. He thought the murder would remain secret because there were no witnesses, but one week later her ghost appeared before Thomas Lofthouse, her brother-in-law. When Lofthouse told his wife about the apparition, she “immediately inferr’d” her sister had been murdered and asked him to investigate the matter. When confronted by Lofthouse, Barwick was unable to produce his wife or provide a credible explanation of her whereabouts. Lofthouse obtained a warrant from the Lord Mayor of York and had Barwick arrested. Barwick initially confessed the whole matter to the Lord Mayor, yet plead not guilty at his trial. Lofthouse testified to the court that a ghost appeared by the side of the pond “habited in a Brown Colour’d Petticoat, Wastecoat, and White Hood” and that “her countenance look’d extream Pale and Wan, with her Teeth in sight, but no Gums appearing; and that her Physiognomy was like that of his Wife’s Sister.”<sup>212</sup> This evidence combined with that of the clerk who swore to the prior

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<sup>209</sup> Gaskill, *Crime and Mentalities*, 231.

<sup>210</sup> Anonymous, *A Full and True Relation of the Examination and Confession of W. Barwick and E. Mangall, Of Two Horrid Murders*, (London, 1690).

<sup>211</sup> Anonymous, *A Full and True Relation of the Examination and Confession of W. Barwick*, 1.

<sup>212</sup> Anonymous, *A Full and True Relation of the Examination and Confession of W. Barwick*, 2.



confession proved Barwick's guilt. He was found guilty and sentenced to be executed and hanged in chains. Long after the religious settlement of Elizabeth I, ghosts continued to play a role in the courtroom.

Cruentation represented another way in which the dead could tell their tale from beyond the grave. This method of evidence-collecting forced suspects to touch the corpse of their supposed victim. It was commonly believed that the corpse would physically react when touched by the author of its demise, but even before the procedure began, a suspects' behavior was closely watched for signs of proof. Hesitance to touch a corpse could indicate guilt, while a willingness to participate suggested innocence.<sup>213</sup> The author of *A True Relation of Four Most Barbarous and Cruel Murders* notes that Elizabeth Ridgway was "very averse" to touch the body of her dead husband whom she denied killing, but once forced to do so "it burst out at Nose and Mouth bleeding, as fresh as if new Stabbed."<sup>214</sup>

From a current perspective, this belief might seem to be the stuff of old wives' tales or peasant culture, but in early modern England it was endorsed by all levels of society, even kings. In 1597, King James I wrote "in a secret murther, if the deade carcasse be at any time thereafter handled by the murtherer, it wil gush out of bloud, as if the blud wer crying to the heauen for reuenge of the murtherer, God hauing appoynted that secret super-naturall signe."<sup>215</sup> Cruentation was popular in crime narratives as well. *Sundrye Strange and Inhumane Murthers* contains two instances of cruentation. The first occurs after neighbors entered the house of a man to find three of his children dead. The man denied the act, instead blaming his eldest son. Five days later, the

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<sup>213</sup> Gaskill, "Reporting Murder," 10.

<sup>214</sup> Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders, Committed in Leicestershire by Elizabeth Ridgway*, (London, 1684), 5.

<sup>215</sup> King James I, *Daemonologie*, (1597; repr., London: Aziloth Books, 2012), 91.

man was brought before the bodies and “their woundes began to bleede afresh.”<sup>216</sup> Additionally, when the coroner commanded the man and his son to call the names of the children, “their white flesh received its former coulour of bloude” which caused the murderers to blush.<sup>217</sup> The second instance happened when a shoemaker is brought before an exhumed corpse. The author relates how one eye of the corpse opened when the shoemaker approaches, closed when he is removed, and opened again when he returns.<sup>218</sup> In both cases, all three men were convicted and executed as a result of the animated corpses.

Of course, cruentation was not always a successful means of identifying a murderer. Two pamphlets in this study illustrate the method’s inability to produce results. *A Just Account of the Horrid Contrivance of John Cupper, and Judith Brown, his Servant* states that cruentation was employed on the exhumed body of Cupper’s wife. However, no reaction from the corpse is recorded. It only states that Cupper and Brown were “brought to touch the corps,” then separated for examination.<sup>219</sup> Additionally, *Digitus Dei*’s author, A.J., reports that Richard Rogers was brought to touch the body of Ruth Anton, but “whether it did bleed upon him or not, I cannot affirm; for at that time the whole body was covered except for the face only, so we cannot imagine it should be seen, if that rule be true, which is given by some for such sanguineous eruptions.”<sup>220</sup>

Moreover, a close examination of *Digitus Dei* reveals the use of several forms of evidence to convict Rogers: cruentation, providence, and medical expertise. A.J. reports that

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<sup>216</sup> Anonymous, *Sundrye Strange Murthers*, A4r.

<sup>217</sup> Anonymous, *Sundrye Strange Murthers*, A4r.

<sup>218</sup> Anonymous, *Sundrye Strange Murthers*, A4v.

<sup>219</sup> William Smith, *A Just Account of the Horrid Contrivance of John Cupper, and Judith Brown, his Servant, in Poysoning his Wife*, (London, 1684), 4.

<sup>220</sup> A.J., *Digitus Dei*, 8. Although Anton’s corpse did not react to Rogers’ touch, it was testified in court that his nose bled when he approached the body. This was taken as a sign of his reluctance to touch her and, thus, his guilt.

when Anton's body was first found dead in a field the Coroner's Jury deemed her death to be accidental. However, when A.J. examined the corpse himself, he found her neck "swollen and discoloured," some blood "issued from her left ear," "a black spot like the print of a thumb on the side of her face," and that her head moved about "further than nature designed."<sup>221</sup> A.J. explained to the jury the principles of locomotive motion "according to Hippocrates, Galen, and other Physicians" to convince them that Anton's death was actually the result of murder.<sup>222</sup> Then, cruentation was attempted but did not yields a conclusive result. Finally, in court A.J.'s medical expertise is combined with providence to obtain a conviction. During Rogers' examination, the justices found scratches on his hands which they believed to have been done by fingernails. Rogers contended that they came from paring apple trees, the judge argued that they were done by Anton, as "scratching was the common defense of women," but A.J. declared "yet it was *Digitus Dei*."<sup>223</sup>

The diverse forms of evidence used to convict Rogers in *Digitus Dei* are indicative of a broad but subtle trend in crime literature over the course of the seventeenth century. As the century progressed, forensic and medical evidence found surer footing in practice and in print. There were, of course, cases in print which referenced forensic evidence before mid-century. For example, in 1598, Henry Robson was convicted of murdering his wife when "Phisitions hindered [her burial], and having obtained license of the officers, they caused her to bee ripped" and found Ratsbane in her veins.<sup>224</sup> Anne Hamton was similarly found out in 1641 when a surgeon opened

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<sup>221</sup> A.J., *Digitus Dei*, 6.

<sup>222</sup> A.J., *Digitus Dei*, 6.

<sup>223</sup> A.J., *Digitus Dei*, 11.

<sup>224</sup> Robson, *The Examination, Confession, and Condemnation of Henry Robson Fisherman of Rye, Who Poysoned His Wife in the Strangest Manner that ever Hitherto Hath Bin Heard Of*, (London, 1598), Sig. A6v-B1r.

the body of her dead husband and found “poyson lying round about his heart.”<sup>225</sup> However, their numbers are few before 1660.

After 1660, there is a significant increase in the report of forensic evidence obtained by a surgeon or “chirurgion.” Of approximately fourteen pamphlets that cite forensic evidence, twelve were printed in the second half of the century.<sup>226</sup> For instance, a man named only “Nathaniel” was convicted in 1675 when a “Chirurgion” found poison in the stomachs of his wife and both of her parents.<sup>227</sup> And in 1686, the “Chrurgeon” testified on the wounds of Mary Watson to help condemn her husband for murder.<sup>228</sup> Furthermore, the processes for obtaining such evidence became increasingly elaborate, suggesting a growing desire to obtain convictions based on empirical evidence.

In an article that discusses this shift towards empirical knowledge and experimentation, Vanessa McMahon examines a pamphlet concerning the 1699 death of Sarah Stout.<sup>229</sup> Her article details the prosecutions’ efforts to convict suspected murderer Spenser Cowper. Stout’s body had been found floating in a river but her death was initially deemed a suicide based on the testimony of lay witnesses. However, six weeks later, her mother declared that Stout had been murdered by Cowper and demanded an investigation. Stout’s body was exhumed and submitted for a full autopsy. When the autopsy failed to provide sufficient evidence, the prosecution followed a line of experimentation suggested by sailors. The seamen had testified in court that

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<sup>225</sup> Anonymous, *Murther, Murther: Or, A Bloody Relation How Anne Hamton, Dwelling in Westminster nigh London, By Poyson Murthered her Deare Husband*, (London, 1641), 5.

<sup>226</sup> These numbers are derived from approximately one hundred crime narratives examined in this study which were printed in London between 1590 and 1700.

<sup>227</sup> Anonymous, *Three Inhumane Murders Committed by One Bloody Person*, (London, 1675), 6.

<sup>228</sup> Anonymous, *A Sad and True Relation of a Most Barbarous and Bloody Murder Committed by One Thomas Watson, a Weaver, Upon the Body of Mary Watson, His Wife*, (London, 1686), 5-6.

<sup>229</sup> Vanessa McMahon, “Reading the Body: Dissection and the ‘Murder’ of Sarah Stout, Hertfordshire, 1699,” *Social History of Medicine* 19, no. 1 (April, 2006): 20.

the lungs of a drowned person would contain more water than one who had been submerged posthumously. However, Cowper's defense claimed that the sailors' testimony was irrelevant because their knowledge was based on their experiences in the salt water of the seas while Stout had been submerged in a fresh water river. The prosecution took to experimenting on stray dogs to affirm the sailors' claims.<sup>230</sup> The dogs were divided into two groups to ascertain if the amount of water in the body would differ based on how they died: half were drowned, the rest strangled first, then thrown into a river. In the end, the results were inconclusive, and Cowper was acquitted. Nonetheless, the process of experimentation shows that investigators were committed to a judgement based on empirical evidence.<sup>231</sup>

Furthermore, medical testimony was not only obtained by male surgeons. Women also contributed expert testimony based on their intimate knowledge of the female body. In *Common Bodies: Women, Touch and Power in Seventeenth-Century England*, Laura Gowing asserts that although women's knowledge was increasingly challenged by medical men, women were given the authority to search for signs of chastity, childbirth, witch's marks, and disease.<sup>232</sup> Such searches were employed more often in cases involving witchcraft or infanticide accusations but do occasionally turn up in murder trials. For instance, in the case against Spenser Cowper the defense claimed that illegitimate pregnancy had motivated Stout's suicide. To discredit this claim, the prosecution called in a midwife to examine Sarah Stout for signs of pregnancy. She declared Stout to be a virgin.<sup>233</sup>

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<sup>230</sup> McMahon, "Reading the Body," 31.

<sup>231</sup> McMahon, "Reading the Body," 33.

<sup>232</sup> Gowing, *Common Bodies*, 40.

<sup>233</sup> McMahon, "Reading the Body," 28.

However, in murder trials it was more commonly the case that midwives were called in after sentencing to assist the court with the use of pardons. According to J.A. Sharpe, “pregnant women were reprieved on the grounds that an innocent embryo should not pay the penalty for its mother’s transgressions; in theory, they were to be hanged after the birth of the child, although it seems likely that most women who escaped hanging through ‘benefit of the womb’ were later fully pardoned.”<sup>234</sup> Sharpe’s claim is convincing, but is not supported in popular print. This is not surprising, considering the motive of pamphleteers to entertain readers while cautioning against committing murder. The demise of the criminal is central to their stories and the full pardon of a murderous wife would do little to drive home their lesson. The research for this study yielded thirty account of murderous wives, but contained only two instances of women who tried to plead benefit of the womb; neither resulted in a pardon. In 1592, Anne Welles was with child when she confessed to the murder of her husband, John Brewen. She was granted a reprieve, but not a pardon. Instead, “was she carried into the countrey to be delivered of her childe, and after brought back to prison,” where she was condemned.<sup>235</sup> Likewise, in 1697, Margaret Martell pleaded her womb. After being found guilty, “the next day returning, she was to receive Sentence, she pleaded a great Belly, but the jury of Women brought in that she was not with Child, and then the Sentence of Death passed upon her.”<sup>236</sup>

It is tempting to interpret this trend in the literature as the progress of science and the retreat of providentialism or supernatural evidence, but such a conclusion would be overstated. Although crime narratives offer some evidence of a transition to more empirical standards of evidence, the diffusion of scientific research and the development of legal medicine were slow

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<sup>234</sup> Sharpe, *Crime in Early Modern England*, 97.

<sup>235</sup> Kyd, *The Trueth of the Most Wicked and Secret Murthering*, 6.

<sup>236</sup> Anonymous, *The True Relation of the Life and Conversation of Margaret Martel, that Murder’ d Mistress Pullyn*, (London, 1697), 2.

and uneven. While medical judgements do begin to make an appearance in crime literature of the seventeenth century, Gaskill's study of depositions shows that in most cases, medical testimony merely confirmed what was already known.<sup>237</sup> During this period, "medical experts" were more often "low-grade barber-surgeons and apothecaries" rather than the university-educated and professionally-trained forensic investigators employed today.<sup>238</sup> Furthermore, Walsham's research on popular print illustrates that the belief in divine providence remained strong in the early seventeenth century and Gaskill's work confirms that caution over evidence and skepticism of the supernatural did not emerge until the early eighteenth century.<sup>239</sup> Gaskill further claims that "full autopsies were rare before the eighteenth century" arguing that medical testimony "did not play a significant role in the English justice system until the nineteenth century."<sup>240</sup> Thus, while divine providence became less important in the face of expert testimony, its recession was very gradual.<sup>241</sup>

### 3.4 Conclusions

In popular print, the eventual defeat of the murderer is central to every story. Even in cases where the criminal is not yet apprehended, authors assure the reader that "murder will out."<sup>242</sup> If the purpose of crime literature was to caution the reader against defying the laws of God, nature, and English statute, then the portion of the narratives examined in this chapter seems to stress

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<sup>237</sup> Gaskill, "Reporting Murder," 17.

<sup>238</sup> Gaskill, "Reporting Murder," 17.

<sup>239</sup> Gaskill, *Crime and Mentalities*, 270-271.

<sup>240</sup> Gaskill, "Reporting Murder," 17.

<sup>241</sup> Gaskill, *Crime and Mentalities*, 265.

<sup>242</sup> Smith, *A Just Account of the Horrid Contrivance of John Cupper*, (London, 1684), 11.

that once these laws are broken, justice is inevitable. Tales of apprehension and examples of evidence provided by neighbors, providence, and surgeons all imply the warning, “Don’t even think about it!” As will be discussed in the next chapter, just thinking about killing could mean the difference between murder and manslaughter, as premeditation was considered a distinguishing characteristic of murder. Additionally, Chapter Four will look at the ways in which the nature of homicide laws enabled suspects to evade punishment. However, before moving forward, we must return to the argument presented at the beginning of this chapter. What can be detected in this section of crime literature about ideas concerning gender and order over the course of the seventeenth century?

In this chapter, I examined the section of crime narratives that related the apprehension of suspects and the process of gathering evidence to present in court. I maintain that these portions contained the least amount of gender inequity. Printed material depicts murder as a crime so heinous that it exceeded the confines of gender inequality. The patriarchal hierarchy which subordinated women in early modern English society did not apply to the apprehension of murderers. Both men and women were equally vigilant and active in nabbing killers. The narratives show that male and female alike spied on their neighbors, prevented suspects from escaping, and swore to all they had seen and heard in court. The courts, in turn, were not particular about the gender of witnesses. Considering that murder could be so difficult to detect that even God lent assistance, judges and juries equally welcomed the testimony of both men and women. It is only later when convictions and sentences are considered that gender plays a significant role in distinguishing difference.

However, an investigation into ideas concerning order in society as a whole rather than only in relations between men and women reveals something more complex occurring. When



maintaining order meant reducing crime, the sex of the apprehender or the accused made little difference. Anxiety over crime remained high over the course of the century. What changed were ideas of authority. Although there was not a definitive break with the patriarchal hierarchy, it began to be chipped away by Civil War discourse condemning tyrants. The analogy between kingdom and household had been employed to rationalize male supremacy, but when Charles I was beheaded that same analogy became dangerous to all patriarchs. The rhetoric which sanctioned the removal of King Charles I from the throne opened the door to questions about the nature of authority itself. This challenge to authority will play a more explicit role in the next chapter on convictions and punishment, but there are still traces of its effects to be found in this section, namely, in the subtle shift in standards of evidence.

The breakdown of censorship during the Civil War allowed writers from all levels of society to express their views on order and authority. This environment offered a medium for those of the lowest ranks to criticize the highest member of society. If one could criticize the king, one could apply that scrutiny to ordinary men as well. While the portrayal in print of the those involved in the law enforcement system depicts men and women as equal participants in the maintenance of order, the record of suspects suggests changes in larger ideas concerning order. In the first half of the seventeenth century, before the Civil War, there are far more accounts of female killers than men. However, after the dissolution of the monarchy, the number of printed materials depicting husbands as failed patriarchs greatly increased. Conduct literature advised husbands to maintain their authority by being an example of love, piety, and honesty.<sup>243</sup> In the second half of the seventeenth century, this sentiment progressively appeared in popular print. Although the patriarchal ideal did not disappear entirely, the proliferation of accounts

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<sup>243</sup> Gouge, *Of Domesticall Duties*, 354.

concerning male murderers illustrates that the idea that women were solely responsible for its maintenance was slowly eroding.

Moreover, advancements in science and legal medicine fostered a desire in the criminal justice system to seek out more empirically-derived forms of evidence in murder trials. While providential miracles continued to appear in accounts, their use by authors became less frequent over the course of the seventeenth century. By the end of the century, writers of crime narratives report more instances of post-mortem investigations than of victims speaking to witnesses from beyond the grave. Although I support Gaskill's argument that reasonable doubt, caution over evidence, and skepticism over the supernatural influenced standards of evidence over the course of the early modern period, I challenge the timeframe of his assertion. While he argues that these developments did not occur until the 1730s, I maintain that there is evidence in popular print to support a claim that these ideas had earlier roots. Autopsies were performed, at least one author doubted cruentation, and the great efforts made to obtain confessions suggest that caution over evidence was, in fact, present in the seventeenth century.

#### 4 CHAPTER IV: CRUELTY REWARDED WITH JUSTICE

“Strange it is, that the Fatal and untimely Ends of such as suffer for Crimes Notorious should not deter others from running into the like Extravagances thereby to [render] themselves obnoxious to the Law; or that the expiring Confessions of such as have made their Exits by untimely Death, should not be a sufficient Warning.”

Anonymous, 1684

The sentiment expressed in these lines from *A True Account of the Behavior, Confessions, and Last Dying Words of Abraham Bigs, Richard Cabourn, Jane Langworth, and Elizabeth Stoaks at Tyburn* illustrates one of the primary motives to publish crime narratives: to assist authorities in deterring crime.<sup>244</sup> Although broadsides and ballads were sold for profit, early modern printers were not free to publish by that motive alone. In order to legally publish any printed material, writers had to adhere to the regulations of the Stationers’ Company. Established in 1557, the Company’s charter required that all printers be members and all of their productions be entered into its register. Tessa Watt’s research on ballads printed after the Reformation contends that “the control of the broadside press was a matter of particular concern to the Tudor rulers, who were sensitive to the power of ballads to influence their subjects, particularly in the area of religion.”<sup>245</sup> The Stationers’ Company provided rulers with a means to exert control over the presses by dictating that all ballads be reviewed by the Archbishop of Canterbury or the Bishop

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<sup>244</sup> Anonymous, *A True Account of the Behavior, Confessions, and Last Dying Words of Abraham Bigs, Richard Cabourn, Jane Langworth, and Elizabeth Stoaks at Tyburn*, (London, 1684).

<sup>245</sup> Watt, *Cheap Print and Popular Piety*, 42-43.

of London.<sup>246</sup> For printers, this meant that while a narrative had to be entertaining to potential buyers, it also had to be morally instructive in order to satisfy the Company's directive.

While Watt focuses on Tudor rulers' concerns over the influence of the press in the area of religion, this study expands the scope to include broader issues of law and order. Throughout the early modern era, the line between sin and crime was blurred. In this context, rulers' anxieties over religious conformity intermingled with their desires to maintain social order. Moreover, alarm over the increase in criminal activity predated Reformation distress and continued to preoccupy ruler's minds long after. A 1512 Act concerning Benefit of the Clergy laments that "Roberyes Murders and Felonies dayle encrease more and more, and byn commytted & don in more heynous open & detestable wyse then hath ben ofte seen in tymes paste, and the psons so offenyng litell regarde the punyshment therof by the course of the Comen law ne by reason of eny Statute heretofor made."<sup>247</sup> Similar statements in popular print, like the one that opens this chapter, demonstrate that distress over crime had not abated by the late seventeenth century.

Furthermore, complaints in print about the increase in criminal activity were not just idle groans, but served the larger purpose of narratives to communicate a warning. It is difficult to determine how these accounts were received by readers, but it is clear that writers intended them to serve as a deterrent against killing. Some pamphlets provided explicit warnings, especially in accounts where the killer was at-large or awaiting trial. In these cases, an overt statement assured

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<sup>246</sup> W. W. Greg, *Some aspects and problems of London Publishing between 1550 and 1650* (Oxford, 1956), in Watt, *Cheap Print and Popular Piety*, 43. It is important to note that even with a charter from the monarchy, the Stationers' Company was not able to exert total control of printing. The men tasked with the regulation of the print trade were unlikely to read every submitted broadside that reached them and there is evidence to suggest a large number of works were published illegally.

<sup>247</sup> 4 Henry VIII c. 1-3 (1512), *Statutes of the Realm*, Hein Online.

the reader that justice would prevail. Other narratives assumed that the cautionary element would be illustrated by the “sad end” of its subject.

In this chapter I will examine the depiction in print of the conviction and execution of murderers. I contend that the evidence offered in the final portion of crime pamphlets reveals not only the gendering of homicide law but also shows how ideas about order and gender began to change after the Civil War. Through an examination of the conviction and punishment of the husbands and wives in this study, I will illustrate that there was an incommensurability between sexes in homicide statute that was eroding over the course of the seventeenth century. I am not claiming that men and women were treated equally under the law by 1700, but there was a subtle movement towards equity which can be detected in print.

The first element I will examine is the verdict. I will show how various statutes concerning homicide, such as the distinction between different types of killing, prevented men and women from receiving equal treatment. There were options available to a man on trial for homicide, like Benefit of the Clergy or a plea of self-defense, that were not available to a woman. Through these distinctions and options, a man could have his sentence reduced or be excused from charges altogether; a woman could not. The pamphlets in this study provide evidence of the gendering of law in practice and in print. It has been asserted that despite the gendering of statute, women were more likely to be found not guilty.<sup>248</sup> While court records may support that claim, the cases examined here do not. These narratives contain several examples of exonerated men, but only one absolved woman found her way into print.

From there, I will explore the punishment of those who were found guilty. Here too, there was a gender-based divergence between the sentences passed down from the courts. While men

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<sup>248</sup> Sharpe, *A Fiery & Furious People*, 112.

could escape execution through the reduced charge of manslaughter, women could not. Although the statute does not define manslaughter in gendered terms, an examination of popular print suggests that it was a verdict afforded only to male offenders. The crime narratives used in this study do not contain any instances of women who received a ruling of manslaughter.

Additionally, there was a disparity in the manner of execution. All of the men and women in this study killed their spouses, but under the law these crimes were not the same and did not warrant the same punishment. Men who killed their wives received a verdict of murder and were hanged for their crime. Conversely, women who killed their husbands were convicted of petty treason and sentenced to burn alive at the stake. Again, popular accounts of executions show the law in practice, but there is more to be discerned from execution tales. Using narratives from the second half of the century, I will show that the actions of Parliament and the writing of elite authors before and after the Civil War influenced the way in which male and female murderers were sentenced and executed. I maintain that because the kingdom and the household had been so inextricably linked in English culture, the dissolution of the monarchy inevitably affected ideas concerning the household.

#### **4.1 The Several Trials of Notorious Malefactors: Verdicts in the Early Modern Courthouse**

The most glaring evidence in print of the incommensurate treatment of men and women in homicide statute is the absence of acquittals or reduced sentences for women. I examined over one hundred pamphlets and found only one woman acquitted in a murder trial. In 1679, *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, reports that the killing of

Mr. Simonds by Tobias Butler was “thought to be done in the revenging an affront put upon one Mary Talbot a common Strumpet, who was likewise indicted as accessory.”<sup>249</sup> Although Talbot was heard in a tavern to swear that she would have Simonds' throat cut, she was acquitted “by reason it could not be proved against the said Talbot that she did incence or hire the said Butler to do the Cruel exploit.”<sup>250</sup> It is rare for a writer to disapprove of a court’s verdict, but this one clearly did.

In contrast, there are several instances of reduced verdicts afforded to men. To understand how a man could escape execution for homicide we must first examine the distinction in statute between different types of killing. Culpability was the distinguishing factor between legal categories of homicide. Garthine Walker states in her examination of crime and gender that “culpability was based upon a tripartite distinction between culpable killing, which was capital, excusable killing, which was pardonable, and justifiable killing, which deserved acquittal.”<sup>251</sup> Walker further explains that the category of culpable homicide included murder and manslaughter, excusable homicides were those deemed accidental, and justifiable killing involved royal justice, the execution of felons, or the killing of a criminal in the act of committing a felony.<sup>252</sup>

Although Walker’s research is useful for an understanding of the legal categories of homicide, her distinctions do not always coincide with the description of verdicts in print. In contrast to Walker’s statement, pamphleteers did not denote the use of pardons for excusable

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<sup>249</sup> Anonymous, *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, (London, 1679), 3.

<sup>250</sup> Anonymous, *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, (London, 1679), 3.

<sup>251</sup> Walker, *Crime, Gender and Social Order*, 114-115.

<sup>252</sup> Walker, *Crime, Gender and Social Order*, 115-117.

killing, but rather recorded verdicts of “not guilty” or “acquitted.”<sup>253</sup> For example, *News From the Sessions-house in the Old Bayly* reported on the arraignment of three shoemakers for the murder of a young woman.<sup>254</sup> Although the account states that the woman died from blows given by the shoemakers it does not state that the three men were pardoned, but rather that “they were acquitted both of the Murders and Manslaughters.”<sup>255</sup> Also in 1682, when Edward Willmore was indicted for the murder of Christopher Todd, the author of his account states that “it being plain that the deceased gave the first abuse, the Prisoner was acquitted.”<sup>256</sup> According to Walker’s description of the categories of homicide, the men in these trials should have been pardoned for excusable killing, but authors recorded verdicts of acquittal instead. This suggests that either writers were less discerning in their recording of verdicts or that the law was not always practiced to its letter. Either scenario is plausible, but the unreliability of these sources does not permit a conclusion. Because crime narratives were printed for profit, they were often hasty productions. Publication was often rushed in order to capitalize on the large crowds gathered at executions. The details of a case were typically lost in this process. Moreover, printers rarely named their authors, so very little is known about the education or legal knowledge of those who wrote them.

Despite its shortcomings, popular print remains a useful source for assessing perceptions of crime and gender in early modern England, particularly when it comes to the verdicts

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<sup>253</sup> A monarch’s right to pardon a convicted felon existed outside of the legal system. They were typically issued after sentencing and could be applied to a wide variety of cases in which the monarch chose to show mercy to the condemned. This included cases of excusable killing, as well as those where the conviction was deemed faulty. For further discussion see, J.A. Sharpe, *Crime in England, 1550-1750*, 96-97 and Garthine Walker, *Crime, Gender and Social Order in Early Modern England*, 119-127.

<sup>254</sup> Anonymous, *News From the Sessions-house in the Old Bayly*, (London, 1676).

<sup>255</sup> Anonymous, *News From the Sessions-house in the Old Bayly*, (London, 1676), 5-6.

<sup>256</sup> Anonymous, *A Full and True Account of the Proceedings at the Sessions of Oyer and Terminer, Holden for the City of London, County of Middlesex, and Goal-Delivery of Newgate*, (London, 1682), 3.



recorded. Although conclusions must be weighed carefully, crime narratives are not wholly unreliable. J.A. Sharpe has shown that despite their sensational tone, “pamphlet accounts of crime that can be checked against other sources have normally been found to have been factually correct.”<sup>257</sup> This study, however, is not concerned with checking narratives against legal records, but rather with analyzing what the verdicts writers’ chose to print says about the way in which gender affected legal outcomes and what those outcomes tell us about the early modern understanding of gender. An examination of the judgements set down in pamphlets illustrates that men and women brought to trial for murder were not treated equally under the law.

The most overt evidence to support this claim is that men could and were acquitted for killing their wives, while women were not. Many of the wives in print were the victims of domestic violence, which was not outlawed until 1891.<sup>258</sup> According to Garthine Walker, “patriarchal ideas imbued early modern culture with multiple ways of justifying or excusing men’s violence against women.”<sup>259</sup> Legally, this was achieved through the assertion of mitigating factors presented to the court during trial. As early as 1259, King Henry III defined the difference between murder and manslaughter in statute, stating “the fine of murder from henceforth shall not be judged before the Justices, where it hath been judged to be misfortune only: But the fine of Murder shall hold place upon those slain feloniously, and not otherwise.”<sup>260</sup> Beginning in the sixteenth century, there was an increasing distinction between categories of

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<sup>257</sup> J.A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past & Present*, no. 107 (May, 1985), 147.

<sup>258</sup> Sharpe, *A Fiery & Furious People*, 172.

<sup>259</sup> Walker, *Crime, Gender and Social Order*, 49.

<sup>260</sup> 43 Henry III, *Provisions XXV* (1259), *Statutes of the Realm*, Hein Online.

homicide which came to include self-defense, accidental death, and provocation as mitigating factors leading to a verdict of manslaughter.<sup>261</sup>

In print, verdicts of self-defense were recorded only in trials of men who had killed other men. Typically, these cases involved heated arguments in a tavern or the workplace that escalated to violence. For instance, *A Full and True Account of the Proceedings at the Sessions of Oyer and Terminer*, reported that Stephen Aslington was indicted in 1682 for killing Francis Featherstone in a bar fight, but “the Prisoner alledging that what he did was in his own defence, and that he knew not of any fighting when he came out, but that the other forced him to it, the Jury brought it in *Se defendendo*.”<sup>262</sup> In another pamphlet printed the same year, Edward Willmore was likewise excused for killing Christopher Todd after a scuffle in a tavern resulted in Todd’s death. The account reports that “no former malice being proved, and it being plain that the deceased gave the first abuse, the Prisoner was acquitted.”<sup>263</sup> When violence occurred between two men, a plea of self-defense was a viable option to escape a verdict of willful murder. However, self-defense was not seen as an acceptable plea when homicide involved members of the opposite sex.

There are no accounts in this study in which a man claims to have killed his wife in self-defense. In a culture which endorsed a patriarchal ideal, the need to defend oneself against a violent wife would have been considered shameful. The notions of gender which informed the

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<sup>261</sup> For further discussion on mitigating factors see Matthew Lockwood, “From Treason to Homicide: Changing Conceptions of the Law of Petty Treason in Early Modern England,” *Journal of Legal History* 34, no. 1 (April, 2013), 31-49; J. A. Sharpe, *A Fiery & Furious People: A History of Violence in England*, (New York: Routledge, 1999); Garthine Walker, *Crime, Gender and Social Order in Early Modern England*, (New York: Cambridge University Press, 2003).

<sup>262</sup> Anonymous, *A Full and True Account of the Proceedings of Oyer and Terminer, Holden for the City of London, County of Middlesex, and Goal Delivery of Newgate*, (London, 1682), 4.

<sup>263</sup> Anonymous, *A Full and True Account of the Proceedings of Oyer and Terminer, Holden for the City of London, County of Middlesex, and Goal Delivery of Newgate*, (London, 1682), 3.

relationship between husbands and wives rested on a single positive principle of manhood that took its meaning from the superior strength of men.<sup>264</sup> Indeed, the ability of a man to control his wife was a definitive quality of manhood itself and the failure to do so was a concern not only for the household but also in the community beyond. In print, male dominance was endorsed explicitly in conduct literature and in crime narratives of murderous wives. In practice, challenges to male authority within the household were punished publicly through shaming rituals like the charivari. Martin Ingram's examination of the English forms of charivari defines the ritual as "a set of popular customs, variants of which have existed in many parts of Europe over many centuries, which characteristically involved a noisy, mocking demonstration usually occasioned by some anomalous social situation or infraction of community norms."<sup>265</sup> He notes that the central event of the custom was "riding skimmington," in which the victim, a substitute rider, or an effigy was paraded through town on a horse or donkey.<sup>266</sup> The rider was often costumed, made to face backwards and was "pelted with filth and could end up by being ducked, with or without the aid of a cucking stool."<sup>267</sup> According to Ingram, "the great majority of ridings in early modern England took place because a wife had physically assaulted her husband or otherwise dominated him."<sup>268</sup> Although Ingram's study focused on rural England, the crime narratives in this study appear to promote the same notions of male honor in urban London. If there were any instances when a man plead self-defense for the killing of his wife, they were not reported by pamphleteers.

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<sup>264</sup> Fletcher, *Gender, Sex & Subordination in England, 1500-1800*, "Introduction," xvii.

<sup>265</sup> Martin Ingram, "Ridings, Rough Music and the 'Reform of Popular Culture' in Early Modern England," *Past & Present*, no. 105 (Nov., 1984), 81.

<sup>266</sup> Ingram, "Ridings, Rough Music and the 'Reform of Popular Culture'," 82-86.

<sup>267</sup> Ingram, "Ridings, Rough Music and the 'Reform of Popular Culture'," 86.

<sup>268</sup> Ingram, "Ridings, Rough Music and the 'Reform of Popular Culture'," 86.

Likewise, a plea of self-defense by a wife against her husband was also deemed unacceptable, albeit for a different reason. Where preservation of male honor prevented men from claiming self-defense, the maintenance of female virtue restrained women. For women, passive suffering was a virtue. Patriarchalism allowed for, and sometimes promoted, a husband's use of violence to correct his wife. In this context, a woman who defended herself against her husband was deemed disorderly. Garthine Walker notes that "women's violence towards men even if in self-defense connoted the subversion of gender and social order."<sup>269</sup> In print, only one of thirty narratives on convicted wives mentions self-defense: *A Warning for Bad Wives: Or the Manner of the Burning of Sarah Elston*.<sup>270</sup> Although the murder of Thomas Elston by his wife was reported in at least four pamphlets, *A Warning for Bad Wives* is the only one to state that Elston "protested again most seriously, that she never in her life had the least designe or thoughts of killing him, onely it was an unfortunate accident, and whether it came from a blow by her, or his violent running upon the point of the Sizzars as she held them out to defend herself, she could not to this minute certainly tell."<sup>271</sup> However, the author reports these words from her execution, not her trial. All four pamphlets state that Elston voluntarily confessed in court, with no mention of a self-defense plea. The fact that Elston did not even attempt to plead her case in court, combined with the uncertainty with which she claimed self-defense at her execution supports the notion that it was not acceptable for a woman to fight back. For women, the only appropriate response to domestic abuse was to wait to be rescued or to run away.<sup>272</sup>

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<sup>269</sup> Walker, *Crime, Gender and Social Order*, 49.

<sup>270</sup> Anonymous, *A Warning For Bad Wives: Or the Manner of the Burning of Sarah Elston*, (London, 1678).

<sup>271</sup> Anonymous, *A Warning for Bad Wives*, 7.

<sup>272</sup> Walker, *Crime, Gender and Social Order*, 51.

In addition to self-defense, “misfortune” or correction could also attain a verdict of manslaughter. In 1604, King James I provided a clear definition of manslaughter in *An Acte to take away the Benefit of Clergie from some kinde of Manslaughter*.<sup>273</sup> This act removes the Benefit of Clergy from any person who “shall stabbe or thruste any [person] or persons that hathe not then any weapon drawne, or that hathe not then first striken the partie which shall soe stabbe or thrust.”<sup>274</sup> However, the act does not extend to “any person or [persons] which shall kill any person or persons se defendendo, or by misfortune,” any person who commits manslaughter while keeping the peace, or any person “which in chastisinge or correcting his Childe or Servant.”<sup>275</sup>

Although the statute names only a child or servant as an acceptable victim of correction for manslaughter, a 1681 pamphlet records its use in the trial of William Trickler for the suspected murder of his wife. The evidence against him claimed, “he being in drink, was heard to quarrel with her, and also assaulted her with a Spade, in so violent a manner, that some blows were heard to a Neighbours house near to them.”<sup>276</sup> The coroner “endeavouring to stifle the matter, attributed her death to her infirmness (being of a weak constitution) than her Husbands stroaks,” but those who saw her wounds claimed the contrary.<sup>277</sup> The jury fined the coroner ten pounds and found Trickler guilty of “Manslaughter only.”<sup>278</sup> However, Trickler’s case is exceptional. While Trickler received a verdict of manslaughter for killing his wife, all of the

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<sup>273</sup> 1 Jac. I. c. 8, 9 (1603-4), *Statutes of the Realm*, Hein Online. Benefit of Clergy allowed men convicted of felony to escape execution for a first offense if they could prove that they could read. For further discussion, see J.A. Sharpe, *Crime in Early Modern England, 1550-1750*, 95.

<sup>274</sup> 1 Jac. I. c. 8, 9 (1603-4), *Statutes of the Realm*, Hein Online.

<sup>275</sup> 1 Jac. I. c. 8, 9 (1603-4), *Statutes of the Realm*, Hein Online.

<sup>276</sup> Great Britain Assizes, *The True Narrative of the Proceedings at the Assizes Holden at Kingstone-Upon-Thames*, (Surrey, England, 1681), 3.

<sup>277</sup> Great Britain Assizes, *The True Narrative*, 4.

<sup>278</sup> Great Britain Assizes, *The True Narrative*, 4.

other victims of manslaughter in this study were men and the two other husbands who were exonerated received acquittals.<sup>279</sup>

Acquittals and reduced verdicts of manslaughter serve as evidence of the flexibility of the application of homicide statute in early modern English courts. Indeed, Sharpe claims “the great distinguishing mark of the administration of the English criminal law throughout our period was the selectivity of its application.”<sup>280</sup> But the central focus of this study is the representation of crime in print and my contention is that popular print served to reinforce the authority’s desire for order rather than illustrate their flexibility in the application of the law. There are a few pamphlets that record instances of a merciful jury, however, the majority of killings reported in pamphlets were of those who were condemned.

Furthermore, the way in which gender affected legal outcomes in homicide trials changed over the course of the seventeenth century. A significant factor behind this change was the rhetoric and outcome of the Civil War. Parliament’s successful challenge of Charles I’s authority, which resulted in his execution and the dissolution of the monarchy, combined with the breakdown of censorship during the wars enabled writers to question not only the current regime, but the very nature of government itself. In the second half of the seventeenth century, elite writers, such as Hobbes and Locke, offered alternative views about the relationship between

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<sup>279</sup> Altogether, there were six reported verdicts of manslaughter: William Trickler for killing his wife, Anonymous, *The True Narrative of the Proceedings at the Assizes Holden at Kingstone-Upon-Thames*, (London, 1681); A young man who killed another man with a stone, Anonymous, *News From the Sessions-House in the Old-Bayly*, (London, 1676); John Gibbons for killing a tailor who had not completed the mending of his suit, Anonymous, *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, (London, 1680); Ralph Benton for the death of Andrew Williams, Anonymous, *A Full and True Account of the Proceedings at the Sessions of Oyer and Terminer, Holden for the City of London*, (London, 1682); Peter Crown for the death of his coworker, John Hilton, Anonymous, *An Account of the Proceedings at the Sessions of Oyer and Terminer, and Gaol-Delivery of Newgate*, (London, 1683); And an unnamed Dutchman arraigned for the murder of a Frenchman, Anonymous, *A Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, (London, 1675).

<sup>280</sup> Sharpe, *Crime in Early Modern England*, 247.

the government and the governed. The well-known illustration accompanying Hobbes' *Leviathan* depicts the image of the king comprised of his subjects.<sup>281</sup> Although Hobbes does not deny the authority of the monarch, *Leviathan* is regarded as an early work on social contract theory for its assertion that the sovereign only exists because a majority of the commonwealth consented to his rule. John Locke pushes the idea of a social contract further by arguing that any government can only be legitimate through the consent of its people.<sup>282</sup> Locke moreover claims that a marriage is a contract too. Mary Lyndon Shanley's examination of the conception of marriage as a contract observes that in the 1640s writers conceived the contractual element of marriage simply in terms of consent. However, she notes that by 1690 "John Locke suggested that if marriage were a 'contractual' relationship, the terms of the contract as well as whether or not to enter into the relationship were negotiable."<sup>283</sup>

The writers of crime narratives were not so bold in their suggestions, but evolving ideas concerning authority and gender did creep into print in subtle ways. Although popular print continued to explicitly endorse the laws of God and nature, accounts of murder show some signs of more egalitarian thought. The most significant way in which this gradual shift can be detected is the increase in the number of pamphlets covering the trials and executions of tyrannical husbands. Of the forty narratives concerning murderous husbands examined in this study, only three were printed in the first half of the seventeenth century. One could argue that this increase was due to the overall growth in popularity of the genre. As Sharpe and others have shown, from the late sixteenth century on "murder pamphlets became a staple of the nascent publishing

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<sup>281</sup> Thomas Hobbes, *Leviathan*, (London, 1651).

<sup>282</sup> Maximilian Jaede, "Forgiveness and Reconciliation in Hobbes's Natural Law Theory," *History of European Ideas* 43, no. 8, (Dec., 2017), 831.

<sup>283</sup> Mary Lyndon Shanley, "Marriage Contract and Social Contract in Seventeenth Century English Political Thought." *The Western Political Quarterly* 32, no. 1 (1979), 79.

industry, eagerly snapped up by a fascinated and increasingly literate population.”<sup>284</sup> However, a simple quantification of narratives concerning murderous wives undermines the idea that disorderly men were made the subject of popular print only due to industry growth. It is true that the number of accounts about wives also increased after 1650, but that increase is less significant if we look at their prevalence before the mid-century mark.<sup>285</sup> Counting the narratives examined in this study reveals that the number of those printed in the first half of the century about murderous wives constitutes thirty percent of female crime literature, while those about men is less than one percent. So, while the genre was generally increasing in popularity, the condemnation in print of men provided a greater contribution than that of women.

Not only were men increasingly reviled in print, but writers were doing so in as enthusiastic a manner as they had in regard to women. Sharpe argues that “pamphlet writers reserved the most heavy moralizing for wives who killed their husbands,” but a look at the literature after 1650 reveals that heavy moralizing was equally waged at men.<sup>286</sup> In 1670, the author of *Bloody News From Clerkenwel* [sic] laments the “aggravating circumstances” of murder acted by “persons whose Relation [requires] the most endearing affections for each other.”<sup>287</sup> The account goes on to describe its male subject as “generally a very bad husband, and froward and unkind to his wife,” and criticizes that he “never arrived any higher than to be a Journey-man.”<sup>288</sup> Likewise, the author of *A Caution to Married Couples*, implores its readers to

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<sup>284</sup> Sharpe, *A Fiery & Furious People*, 139. See also, Tessa Watt, *Cheap Print and Popular Piety*, 259-260.

<sup>285</sup> Nineteen of the thirty accounts of murderous wives were printed in the first half of the seventeenth century.

<sup>286</sup> Sharpe, *A Fiery & Furious People*, 193.

<sup>287</sup> Anonymous, *Bloody News from Clerkenwel* [sic], Or, *A Full and True Relation of a Most Horrid and Barbarous Cruelty, Committed by a Journey-Man-Cooper, Who lived in Tumble-Down-Dick's Court*, (London, 1670), 3.

<sup>288</sup> Anonymous, *Bloody News from Clerkenwel* [sic], 4.



“consider the strict obligations which both Nature and Religion lays upon a Man and Wife each to other” and wishes his dreadful example “be a warning to all men, not to abuse their wives.”<sup>289</sup>

While earlier accounts spoke mainly of the importance of a wife’s obedience to her husband, later publications stressed the obligations of both wives and husbands to each other to maintain household order. Authors did not abandon the promotion of a patriarchal hierarchy, but rather began to hold men accountable in its realization as a societal ideal.

The author of the 1653 account, *The Bloody Husband, and Cruel Neighbour*, offers convincing evidence that pamphleteers were as concerned with promoting proper male behavior as they were with female obedience and also raises another important aspect of convictions: reputation. *The Bloody Husband* covers the story of the gentleman Adam Sprackling, who was found guilty of the willful murder of his wife. The author denounces the felon’s general behavior as well as the crime that led to his execution by describing how Sprackling would “frequent Taphouses,” “swear exceedingly,” and “[regard] not the Sabbath.”<sup>290</sup> During his trial, Sprackling pleaded he was “mad” and “knew not what he did.” To support his “insanity” plea he called in two physicians and some women, but the account notes that “none could swear he was distracted, neer, at, or after the Murther committed.”<sup>291</sup> Sprackling’s attempt to excuse his actions as madness was not unusual; there are many instances in print of men citing blind rage or passion as the force behind their violence. What was atypical of Sprackling’s trial was his social status as a gentleman. His wealth and social rank afforded him the opportunity to call expert witnesses to testify on his behalf and carried the expectation that his reputation had weight.

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<sup>289</sup> Anonymous, *A Caution to Married Couples*, (London, 1677), 3-4.

<sup>290</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour: Or, A True Historie of Two Murthers*, (London, 1653), 2.

<sup>291</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour*, 10.

This account suggests that the prosecution was aware of the importance of a man's reputation when it attempted to convict Sprackling. Despite the fact that there were two witnesses present when he killed his wife, the author notes that even before Sprackling pled madness as a mitigating factor, many witnesses were called to testify on his character. All said he was "of an habitual bloody disposition and practice" and offered many examples of taproom brawls in which Sprackling had assaulted fellow patrons.<sup>292</sup> Several witnesses also told the court that Sprackling was responsible for the death of one Richard Langley. Although it could not be proved, their suspicions of his involvement were given as evidence of his discredit.

Sprackling's case shows parallels to the 1631 trial of Mervin Touchet, 2nd Earl of Castlehaven for the rape of his wife and sodomy of his servants. Much like Sprackling's trial, reputation played an important role in Castlehaven's conviction. In Cynthia Herrup's exploration of this case she asserts that "trials such as this one were overtly tests of credit as much as they were tests of evidence; the conventions of character mattered as much or more than the conventions of the law."<sup>293</sup> During Castlehaven's trial, three aspects of his character were used by the prosecution to discredit him: his obscurity, his religion, and his nationality. Herrup notes that the Touchets did participate in court activities, such as coronations, but argues that "they seem to have little interest either in the opportunities of the court and the capital or in the obligations of local governance or generosity."<sup>294</sup> The earl's lack of a public presence meant that not only had he missed opportunities to establish good credit, but that he also enabled others to wage accusations against him of being Irish and Catholic, both contemporary markers of discredit. Although Castlehaven had taken the Oath of Allegiance in 1624 and 1626, prosecutors exploited his lack

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<sup>292</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour*, 7-8.

<sup>293</sup> Herrup, *A House in Gross Disorder*, "Preface," xiii-xiv.

<sup>294</sup> Herrup, *A House in Gross Disorder*, 15.

of a public presence and his openly Catholic relatives to accuse him of being “religiously capricious.”<sup>295</sup> Herrup argues that “he may have been marginal in part because he was believed to be a Catholic, but he was also believed to be a Catholic because he was already marginal.”<sup>296</sup> The same was true regarding the earl’s nationality. Castlehaven was tried as an Englishman for crimes committed in England, but his ties to Ireland were used to question his loyalties.

Castlehaven’s trial was completed in one day. Like Sprackling, the prosecution obtained a conviction using witness testimony and by exploiting his unfavorable reputation. In his defense, the earl denied all charges, attacked the competency of the witnesses, and accused his family and servants of conspiring against him. Castlehaven’s attack on his family and household staff raises another social issue brought to light during his trial: household order. Herrup argues that although both the defense and prosecution shared the same understanding of the world around them, their interpretation of that world differed. She notes that “the King’s attorneys said that Castlehaven was a man disordered in his understandings of male responsibility, genteel honor, and national identity, a danger to himself and to others,” while the earl “countered that he was a responsible man at the mercy of insubordinate inferiors.”<sup>297</sup> Throughout the trial these competing interpretations (the bad patriarch versus insubordinate inferiors) were crucial contentions of their respective sides. Ultimately, Herrup asserts that this contest over where to place blame in a disordered household constituted a foreshadowing of the events which led to civil war, as Parliament’s primary objection to Charles I’s rule was that he had betrayed his duties as a patriarch to his subjects.

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<sup>295</sup> Herrup, *A House in Gross Disorder*, 15-16.

<sup>296</sup> Herrup, *A House in Gross Disorder*, 16.

<sup>297</sup> Herrup, *A House in Gross Disorder*, “Preface,” XIV.

In much the same way that the struggle between superiors and inferiors was debated in Parliament and the high court during Castlehaven's trial, the conflicts between husbands and wives played out in popular print. The early modern patriarchal hierarchy placed male householders at the top, wives under their husbands, and children and servants at the bottom.<sup>298</sup> This was not intended merely as a theoretical ordering of the household, but was meant to be put into practice and was upheld in official statute. According to legislation, any woman found guilty of killing her husband was convicted of petty treason.<sup>299</sup> The Treason Act of 1351, enacted by King Edward III, was based on natural law, which placed servants under the authority of masters, women under their husbands, and clerics under prelates.<sup>300</sup> The social and ecclesiastical hierarchy enforced by this statute continued to inform seventeenth-century courts and the crime narratives that broadcasted their trials. The author of a 1678 pamphlet, *The Last Speech and Confession of Sarah Elestone*, noted that Elestone, "with high and presumptuous hands, violate[d] the laws of nature and Grace, of Earth and Heaven, in murdering those whom through duty and affection we are bound to obey, honour, cherish, and preserve."<sup>301</sup> This sentiment was reiterated time and again by pamphleteers who frequently commented on the "unnatural" nature of their subjects. The title of a 1628 ballad concerning the murder of "one goodman Davis" describes its subject as "the unnatural wife."<sup>302</sup> Likewise, Ordinary of Newgate and frequent pamphleteer, Henry Goodcole, wrote of Alice Clarke's "unnatural poisoning of Fortune Clarke

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<sup>298</sup> Gouge, *Of Domesticall Duties*, 5.

<sup>299</sup> 25 Edward III st. 5, c. 2 (1351), *Statutes of the Realm*, Hein Online.

<sup>300</sup> 25 Edw. III st. 5, c. 2 (1351), *Statutes of the Realm*, Hein Online.

<sup>301</sup> Elestone, *The Last Speech and Confession of Sarah Elestone at the Place of Execution* (London, 1678), 1.

<sup>302</sup> Anonymous, *The Unnatural Wife: Or, The Lamentable Murther of one Goodman Davis, Locke-Smith in Tutle-streete, Who Was Stabbed to Death by His Wife*, (London, 1628), 1.

her Husband.”<sup>303</sup> The writers of popular print repeatedly condemned women whose “unnatural” acts had upset patriarchal order by killing those whom by God and statute they were commanded to obey. Throughout seventeenth-century literature, authors continued to promote the patriarchal ideals embedded in law by repeatedly imploring readers to “remember that their Husband is their Head.”<sup>304</sup>

Concerning the Treason Act of 1351, Matthew Lockwood has argued that although the legal definition remained the same, the understanding and implementation of the statute shifted during the seventeenth century. In “From Treason to Homicide: Changing Conceptions of the Law of Petty Treason in Early Modern England,” Lockwood contends that the practical interpretation of the law which viewed husband murder as petty treason underwent a shift to increasingly view the crime as a type of homicide rather than a species of treason.<sup>305</sup> According to the 1351 Act, mitigating factors were not allowed in cases of treason as “those guilty of upending the domestic order at home, like those guilty of upending the domestic order of the country, were indefensible.”<sup>306</sup> Lockwood argues that despite the Act’s continuance and its precise denial of mitigating factors to petty traitors, such factors were increasingly allowed in seventeenth-century courts.<sup>307</sup> His claim is based on legal handbooks and the Old Bailey records concerning women on trial for the murder of their husbands. Lockwood cites the 1630s as the decade in which provocation was first entered into legal treatises and handbooks as an allowable

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<sup>303</sup> Goodcole, *The Adulteresses Funerall Day: In Flaming, Scorching, and Consuming Fire: Or, The Burning Downe to Ashes of Alice Clarke*, (London, 1635), A1r.

<sup>304</sup> Anonymous, *A Warning for Bad Wives: Or The Manner of the Burning of Sarah Elston* (London, 1678), 6.

<sup>305</sup> Lockwood, “From Treason to Homicide,” 31.

<sup>306</sup> Lockwood, “From Treason to Homicide,” 35.

<sup>307</sup> Lockwood, “From Treason to Homicide,” 39.

defense in cases of petty treason.<sup>308</sup> He argues that this amendment resulted in significant changes in the practical interpretation of laws regarding petty treason.

Although Lockwood presents a compelling argument, I find it overly optimistic. While it is reasonable to assert that the allowance of mitigating factors in petty treason trials does constitute a departure from the previous application of the law, Lockwood overstates the effects of this change. He claims that the “entrance of provocation is evidence of a shift in attitudes towards marital relations and female criminality” and that while “the killing itself was not legitimated, it was no longer treason.”<sup>309</sup> However, when one considers that the Treason Act of 1351 was not abolished until 1828, that claim becomes less credible. An examination of crime literature further undermines Lockwood’s argument by recording the use of petty treason verdicts well into the late seventeenth century. In 1675, *A Narrative of the Proceedings at the Sessions-House in the Old-Bayly*, reports that the jury for the trial of Elizabeth Lillyman for killing her husband “brought her in guilty of petty treason.”<sup>310</sup> Similarly, a pamphlet printed in 1681 concerning Margaret Osgood’s trial states that she “was brought in Guilty of Treason and Murther.”<sup>311</sup> This study found twenty accounts printed in the second half of the seventeenth century of women who were tried for killing their husbands. Because there exist multiple accounts concerning particularly sensational cases, the total number of women written about is

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<sup>308</sup> Lockwood, “From Treason to Homicide,” 36.

<sup>309</sup> Lockwood, “From Treason to Homicide,” 48.

<sup>310</sup> Anonymous, *A Narrative of the Proceedings at the Sessions-House in the Old-Bayly, From Wednesday the 7th of July Instant, to Saturday the 10th*, (London, 1675), 5.

<sup>311</sup> Great Britain Assizes, *The True Narrative of the Proceedings at the Assizes Holden at Kingstone-Upon-Thames*, (Surrey, England, 1681), 2. Late seventeenth-century petty treason verdicts were also recorded for Sarah Elston, Esther Ives, and Mary Aubry. Anonymous, *A Warning for Bad Wives: Or The Manner of the Burning of Sarah Elston*, (London, 1678); Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murder Committed by Esther Ives*, (London, 1687); Anonymous, *An Account of the Manner, Behaviour and Execution of Mary Aubry*, (London, 1687).

nine, of which, five specifically cite convictions of petty treason.<sup>312</sup> Because these sources are taken from popular print and rather than official court records, this sample cannot be understood as representative of the practical application of the law at large. It is, however, representative of the way in which petty treason was conveyed to the public through print and evidence that it continued to be used as a verdict in the late seventeenth century.

Regardless of the fact that women remained petty traitors in print, this study does in fact reveal a real shift towards more evenhanded attitudes on household obligation and patriarchal order in crime narratives published after the Civil War. However, the area which saw a more significant change was in the treatment of men. The attitude of pamphleteers towards women does begin to alter in small ways, for instance a couple of authors did adopt more sympathetic tones in their accounts. The author of *A Warning-Piece to All Married Men and Women* exhibits some empathy when writing about the turbulent marriage of Denis and Mary Hobry, saying that he “abus’d [her] at such inhumane rate” and noting that Mary cried out to her landlady during a beating that almost resulted in her death.<sup>313</sup> But the tone quickly changes when it comes to discussing Mary’s killing of Denis by stating that Mary was “full of Wrath and Evil” and “spurred by the influence of the Devil.”<sup>314</sup> Similarly, the writer of *The Distressed Mother: Or Sorrowful Wife in Tears* describes gentlewoman Mrs. Katherine Fox as “a desolate Wretch” and condemns Mr. Fox for wasting his plentiful estate “through riotous living” and “[beating] his poor wife.”<sup>315</sup>

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<sup>312</sup> Two accounts record only that the convicted women were executed without citing the verdict, one woman was awaiting trial, and one was suspected of killing her husband but was convicted for killing another woman.

<sup>313</sup> Anonymous, *A Warning Piece to All Married Men and Women, Being the Full Confession of Mary Hobry*, (London, 1687/8), 1.

<sup>314</sup> Anonymous, *A Warning Piece to All Married Men and Women*, 1.

<sup>315</sup> Anonymous, *The Distressed Mother: Or Sorrowful Wife in Tears*, (London, 1690), 1.

However, the increased coverage of male murderers was far more significant than the more equitable treatment of women. This expansion in the genre was enabled by both the increase in the number of men prosecuted for killing their wives and by the literature before, during, and after the Civil War. The proliferation of literature during the breakdown of censorship spread the idea that a king could be a tyrant and, thus, not worthy of his position as head of the kingdom.<sup>316</sup> And the widely-promoted analogy between the kingdom and the household meant that ordinary men could be tyrants as well. In the wake of Charles I's execution, popular print exploded with tales of tyrannical husbands who ended up on the gallows.

#### 4.2 A Shameful, Though Deserved End: Print at the Gallows

The downfall of a convicted killer was central to the plot of a crime narrative. Sometimes it was announced by the author in the title, such as Henry Goodcole's, *The Adultrresses Funerall Day: In Flaming, Scorching, and Consuming Fire: Or The Burning Downe to Ashes of Alice Clarke*. When the murderers' death was not part of the title, it still was frequently part of the cover page. The pamphlet concerning Adam Sprackling's uxoricide, *The Bloody Husband, and Cruell Neighbour*, states just underneath its title that he was hanged on Wednesday, April 27, 1653.<sup>317</sup> In almost all crime narratives the public execution of the criminal was recorded on the final page. The few exceptions were instances when the killer was still at-large or was awaiting trial. The "deserved end" of the narrative's subject was presented to the reader like a punctuation mark at

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<sup>316</sup> Adam Fox, *Oral and Literate Culture in England, 1500-1700*, (New York and Oxford: Oxford University Press, 2000), 15-16.

<sup>317</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour, Or, A True Historie of Two Murthers*, (London, 1653), A1r.



the end of an extended warning. In this section, I will examine the final portions of popular print to assert that aside from the primary motive of profit, crime narratives, like public executions themselves, were intended to serve as a warning to readers of the consequences of disorder in the household. I also will illustrate, by comparison, that although women's acts of petty treason were viewed as particularly heinous, over the course of the seventeenth century pamphleteers became equally condemning of male perpetrators of disorder. If writers appeared less disapproving of male murderers in the first half of the seventeenth century, it was only because they had fewer opportunities to do so; very few men were prosecuted for killing their wives and public criticism of patriarchal authority was not yet acceptable in print culture. However, after the Civil War, the newfound freedom of the press to speak openly against male patriarchs and the increase of men convicted for killings their wives resulted in a more even-handed doling out of judgment. This is not to say that writers were more progressive in their treatment of women, but rather that the increase of convicted husbands had a leveling effect on the way gender was portrayed in print.

Despite the growing presence of condemned husbands in print, the gendering of homicide statutes and their punishments continued to prohibit the equal treatment of men and women in court and on the gallows. In the same way that the distinction between manslaughter, murder, and petty treason prevented women and men from receiving commensurable verdicts in court, so too did the punishments attached to their sentences. Those convicted of manslaughter were branded on the thumb with an "M" for manslaughter, willful murderers were hanged, and petty traitors were hanged or burned according to their sex.<sup>318</sup> Michael Dalton's legal handbook, *The Countrey Justice*, dictates, "the punishment of Petty Treason is this: The man so offending shall be drawn and hanged; the Woman shall be burned alive, in case as well for Petty Treason, as for

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<sup>318</sup> Michael Dalton, *The Countrey Justice*, (London, 1682), 523.

High Treason...But in case of Felonies, the Judgement both of man and woman is to be hanged."<sup>319</sup>

There were three offenses for which males could be convicted of petty treason: when a child killed their parent, a servant killed a master, or an ecclesiastical person killed their Ordinary or other superior. All of these instances amount to the same basic charge of killing a superior and, therefore, of upsetting order. This is the same premise that dictated that a woman should not kill her husband, yet the punishment for a woman's petty treason was more severe.<sup>320</sup> The implication of this statute is that a female petty traitor was more heinous, more unnatural, and more disorderly than her male counterpart. The law may not have used such words, but the writers of popular print did. Elizabeth Ridgway was said to "[have] out-done the Desparadoes of this town for cruelty," Esther Ives was described as a "miserable [wretch]" who "came to a shameful, though deserved end," and Elizabeth Lillyman was named "that unhappy creature...old both in years and wickedness."<sup>321</sup>

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<sup>319</sup> Dalton, *The Countrey Justice*, 338.

<sup>320</sup> There is evidence in historical scholarship and crime narratives that some women on the gallows were strangled before the fire was started but I have been unable to draw a conclusion on the prevalence of this practice. I have been unable to locate any statute that ordained or even allowed for this practice and there is no mention of it in the legal handbooks I surveyed. Garthine Walker states that "It is widely held that executioners 'customarily' straggled condemned women first," but argues that this was not always so. In printed material there are only three references to this practice: Esther Ives was strangled before she was burned at the stake, Mary Aubry was hanged, and Elizabeth Ridgway asked to be hanged first but her request was denied. Walker, *Crime, Gender and Social Order*, 139; Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1686), 8; Anonymous, *An Account of the Manner, Behaviour and Execution of Mary Aubry*, (London, 1687), 1; Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders Committed in Leicester-shire by Elizabeth Ridgway*, (London, 1684), 7.

<sup>321</sup> Anonymous, *A True Relation of Four Most Barbarous and Cruel Murders Committed in Leicester-shire by Elizabeth Ridgway*, (London, 1684), 2; Anonymous, *A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives*, (London, 1686), 8; Anonymous, *A Narrative of the Proceedings at the Sessions-House in the Old-Bayly, From Wednesday the 7th of July Instant, to Saturday the 10th*, (London, 1675), 4.

In contrast, male petty traitors seem immune to such harsh characterizations. In a narrative about the murder of Master James, minister and preacher, “committed by one Lowe, his curate, and consented unto by his wife,” the strongest admonition of Lowe was that he “profest himselfe a Scholler.”<sup>322</sup> Although its author speaks harshly of the acts they committed, he refrains from the character attacks typically waged against female traitors. The same is true of the author of Robert Freeman’s execution. Freeman was convicted of petty treason for allegedly killing his master, one Mr. Bailes. The narrative described the events of his trial and execution objectively, only passing judgment on Freeman for maintaining his innocence.<sup>323</sup> Even more surprising, is that its disapproval was confined to a single sentence: “he had made his peace with God: and so was Executed, most people with sorrow admiring at, and pitying his obstinacy; for we cannot but call his denial, after such convincing evidence.”<sup>324</sup>

Although the light treatment of these two male petty traitors may appear to undermine the argument that male felons were increasingly criticized in print, it must be noted that these cases were exceptional. Generally, it was more often the case that superiors killed inferiors and when petty treason was committed, it was usually by women.<sup>325</sup> What these exceptions do reveal is that the seventeenth-century shift towards a more equitable treatment of the sexes in print was not a linear progression. Although men were increasingly attacked by the authors of popular print, not all writers were quick to condemn male violence, even if the courts had already done

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<sup>322</sup> Anonymous, *A True Relation of the Most Inhumane and Bloody Murther, of Master James Minister and Preacher of the Word of God at Rockland in Norfolke*, (London, 1609).

<sup>323</sup> Anonymous, *The Behaviour, Confession, and Execution of the Twelve Prisoners That Suffer’d on Wednesday the 22 of Jan. 1678/9*, (London, 1678/9), 6.

<sup>324</sup> Anonymous, *The Behaviour, Confession, and Execution of the Twelve Prisoners That Suffer’d on Wednesday the 22 of Jan. 1678/9*, (London, 1678/9), 6.

<sup>325</sup> K. J. Kesslering, “Bodies of Evidence: Sex and Murder (Or Gender and Homicide) in Early Modern England, c. 1500-1680,” *Gender & History* 27, no. 2 (Aug. 2015), 248-249.

so. Moreover, petty traitors aside, the more significant trend in print was the growth of narratives about tyrannical husbands on the gallows.

For both petty traitors and tyrants alike, execution literature served as both a record of the event and as part of the ritual of punishment itself.<sup>326</sup> Pamphlets containing details of the circumstances of the crime, courtroom trials, behavior in prison, and even last dying speeches were sold to the massive crowds that gathered at public executions.<sup>327</sup> Like a theater program, crime narratives provided details to spectators on the event they were about to witness and the actors involved. The central role was given to the condemned prisoner, but the attending cleric and hangman also had their part to play. In prison and on the gallows, clerics took great pains to assist prisoners in their preparation for death. Their successes or failures were frequently noted by pamphleteers. Henry Goodcole recounts his efforts to prepare Alice Clarke for her execution, noting that “some conferred with her, but little good they did” until he intervened and “made as though I would deny her Communion.”<sup>328</sup> He claims that his threat brought “truth from her tongue” and a confession at the stake which made her better prepared for death.<sup>329</sup> In contrast, Adam Sprackling showed “little repentance or care for his soul” in prison, when “divers godly gentlemen and ministers desired to speak to him, but he would admit none.”<sup>330</sup> Ministers tried to

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<sup>326</sup> Leigh Yetter, ed., *Public Execution in England, 1573-1868*, Volume 1 (London: Pickering & Chatto, 2009), “Preface,” VII.

<sup>327</sup> Ken MacMillian notes that pamphlets were sold at the place and time of public executions and observes that they sometimes gave the last words of the condemned before he or she actually spoke them. The pre-recorded speeches of dying criminals came from a variety of sources. Some were constructed from the confessions they made in prison to the ministers who prepared them for death. Others were written by the hand of the condemned, themselves. Yet, other were written in the first person but were actually the work of a hack writer. Considering the questionable credibility of the production of last dying speeches, my investigation of their content is limited to an analysis of the message their authors intended to convey. MacMillian, ed., *Stories of True Crime in Tudor and Stuart England*, 3; Sharpe, *Crime in Early Modern England*, 229.

<sup>328</sup> Goodcole, *The Adultrresses Funerall Day*, C1r.

<sup>329</sup> Goodcole, *The Adultrresses Funerall Day*, C2v.

<sup>330</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour*, 11.

counsel him again at his execution, but he denied them and would only confess that he was “generally a sinner.”<sup>331</sup>

While hangmen did not play as prominent a role as clerics, they were sometimes mentioned in print. More often than not, the hangman’s presence and role in the execution is omitted altogether or spoken of in a matter-of-fact way. For instance, *The True Narrative of the Execution of John Marketman*, notes only that “he recommended his soul to the Almighty, and the Executioner did his work.”<sup>332</sup> In other instances, a pamphlet will cite the hangman’s presence only to observe that a prisoner had forgiven him in advance of the event. The author of *Digitus Dei*, states Richard Rogers “forgave the hangman and all the world besides” at his execution.<sup>333</sup> However, hangmen did occasionally become notorious. Jack Ketch’s work as an executioner was so infamous that his name became a general nickname for hangmen in the seventeenth century.<sup>334</sup> In 1676, the author of *News From the Sessions-House in the Old-Bayly* announces that “Each of their crimes were great no doubt; There will be mighty work for Ketch this bout. Good Lord deliver all as well as me; From Ketches mercy, and the Tripple Tree.”<sup>335</sup>

Nevertheless, the star of a public execution and the central focus of its literature was the man or woman facing execution. The behavior and speech of the condemned was a performance which authors hoped would illustrate to readers that the prisoner died well and that justice had been served. The speech delivered at the gallows was one of the most consistently recorded aspects of the execution ritual.<sup>336</sup> The condemned was expected to confess and make a penitent

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<sup>331</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour*, 11.

<sup>332</sup> Anonymous, *The True Narrative of the Execution of John Marketman, Chyrurgian of Westham in Essex, For Committing a Horrible + Bloody Murther*, (London, 1680), 4.

<sup>333</sup> A.J., *Digitus Dei*, D6v.

<sup>334</sup> Yetter, *Public Execution in England*, “Preface,” XIV.

<sup>335</sup> Anonymous, *News From the Sessions-House in the Old-Bayly*, (London, 1676), 8.

<sup>336</sup> Sharpe, “Last Dying Speeches,” 150.

end to remind onlookers that their death was meant to be a warning.<sup>337</sup> In 1675, it was reported that Elizabeth Lillyman told the people “I pray God I may be an example to you all” before “cheerfully” going to the stake.<sup>338</sup> Likewise, Edmund Allen “desired others to be warned” and “made a very penitent end.”<sup>339</sup>

However, not all prisoners conformed to the rules of the ritual. Although Margaret Ferne-Seede repented her past sins and acknowledged that she deserved death, she would not confess to the murder of her husband. Her execution pamphlet states that the attending preacher “admonished her that now in that minute she would confesse that fact for which she was now ready to suffer, which she denying, the reeds were planted aboute, unto which fier being given she was presently dead.”<sup>340</sup> While Sharpe has argued that “those convicted criminals who did remain unrepentant were, however, regarded as very reprehensible by contemporaries,” others have asserted that defiant behavior at the gallows could offer agency to the condemned. Peter Lake and Michael Questier have argued that public execution “might be intended to vindicate the justice and power of the state, but could also glorify the criminal.”<sup>341</sup> In their examination of the execution of Catholics for treason, they assert that the range of gestures and counter-gestures inherent in the theater of public executions were outside of the control of the state and could provide an opening for Catholic agency.<sup>342</sup> Similarly, Kirilka Stavreva maintains that when murderous wives address women in the audience “it constructs the female criminal and spectator

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<sup>337</sup> Sharpe, “Last Dying Speeches,” 150.

<sup>338</sup> Anonymous, *A Compleat Narrative of the Tryal of Elizabeth Lillyman*, (London, 1675), A1v.

<sup>339</sup> Anonymous, *A Full and True Account of the Penitent Behavior, Last Dying Words + Execution of Mr. Edmund Allen, Gent.*, (London, 1695), A2v.

<sup>340</sup> Anonymous, *The Araignement & Burning of Margaret Ferne-Seede, For the Murther of Her Late Husband Anthony Ferne-Seede*, (London, 1608), B4r.

<sup>341</sup> Peter Lake and Michael Questier, “Agency, Appropriation and Rhetoric Under the Gallows: Puritans, Romanists and the State in Early Modern England,” 65.

<sup>342</sup> Lake and Questier, “Agency, Appropriation and Rhetoric,” 65-73.

as simultaneously the same and different.”<sup>343</sup> Stavreva contends that the “need to uphold the negative example to the audience implies that members were potentially capable.”<sup>344</sup>

Both the arguments put forth by Sharpe and those of his opponents are applicable to the execution literature in this study. While the majority of writers of popular print conform to Sharpe’s notion of reprimanding contemporaries, some did give agency to the condemned via pity or even admiration. Pity was typically reserved for female killers who had suffered domestic abuse, but the admiration of those who died well was doled out equally to both sexes. Henry Goodcole pitied the abuses suffered by Alice Clarke, noting that “they were almost beyond the strength of Nature for her to suffer” and also admired the “sweet tone of voice” with which she surrendered her soul to God upon her death.<sup>345</sup> Edmund Allen was also commended for his “extraordinary devotion” to his soul in prison and for making a “very penitent end.”<sup>346</sup> The admiration for those who made a penitent end is unsurprising, as that is exactly the outcome that was hoped for and expected. Yet, writers seemed to realize that any praise for a condemned felon could send a mixed message to the reader and took care to end narratives by reiterating the warning that the execution was intended to convey. Warnings in the last lines of a narrative were meant to remind the reader that even though the executed criminal had died well, the cause of their death was not to be emulated.

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<sup>343</sup> Kirilka Stavreva, “‘Scaffolds Unto Prints’: Executing the Insubordinate Wife in the Ballad Trade of Early Modern England,” *Journal of Popular Culture* 31, no. 1 (Summer, 1997), 182.

<sup>344</sup> Stavreva, “‘Scaffolds Unto Prints,” 182.

<sup>345</sup> Goodcole, *The Adultrresses Funerall Day*, B1v, C1v.

<sup>346</sup> Anonymous, *A Full and True Account of the Penitent Behaviour, Last Dying Words, + Execution of Mr. Edmund Allen*, Gent, A2v.

### 4.3 Conclusions

After the Civil War, there was an overall decline in the number of prosecuted homicides.<sup>347</sup> This reduction was in part due to a revulsion against the brutalities witnessed during the wars and to the sheer number of casualties of young men prone to violence.<sup>348</sup> Fewer homicide indictments and the increased use of transportation of felons to the colonies resulted in a significant reduction of executions over the course of the seventeenth century, despite the fact that the law was becoming increasingly harsh. Sharpe notes that “by the eighteenth century at least, those who were hanged were either exceptionally unlucky or were felt to be exceptionally wicked.”<sup>349</sup> The perpetrators of domestic disorder in popular print are best characterized by the latter category as the more sensational cases offered the potential for bigger profits. Although the primary motive for printing a narrative may have been profit, the promotion of law and order was also central to writers’ concerns.

In the portion of the narratives examined in this chapter, writers record the restoration of order, one criminal at a time, through the verdicts reached in court and the punishment of offenders. However, court rulings and their coverage in crime narratives illustrate more than a straightforward desire to restore order. They also reveal the way in which gender-based homicide laws and their corresponding punishments resulted in the incommensurate treatment of men and women who found themselves on trial for killing their spouse. Men could have the charge of murder reduced to manslaughter or see it dismissed altogether. Neither of those possibilities were offered to women. Furthermore, the sentence attached to these rulings provides even more

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<sup>347</sup> Sharpe, *Fiery & Furious People*, 125.

<sup>348</sup> Sharpe, *A Fiery & Furious People*, 136.

<sup>349</sup> Sharpe, *Crime in Early Modern England*, 97-98.



evidence of gender inequality in the early modern criminal justice system. While convicted men were sentenced to hang for their crime, condemned women had to suffer the excruciating pain of burning alive at the stake.

Additionally, the final pages of narratives offer further support for the argument that crime literature was meant to be didactic. No other event in the accounts was more edifying than the execution of a narrative's subject. Gallows scenes and the speeches of those who stood upon them were repeatedly pointed to as the consequence of unchecked domestic disorder. Although the manner of execution remained the same for both sexes, in the second half of the seventeenth century, gallows scenes increasingly included men. It appears that Civil War discourse did not result in a more equitable treatment of women, but rather leveled the scaffold by placing more men upon it.

## 5 CHAPTER V: CONCLUSION - MISTAKEN JUSTICE

In 1695 an anonymously-written pamphlet with a provocative title went into circulation:

*Mistaken Justice: Or Innocence Condemn'd, In the Person of Francis Newland, Lately Executed at Tyburn, For the Barbarous Murther of Mr. Francis Thomas.* As its title declares, *Mistaken Justice*, openly challenged a recent decision made in the courthouse. The author of this 36-page reproach of judges, jurors, and coroners claimed to provide a true account of the evidence presented against Francis Newland, as well as examples of the “unquestionable truth, of persons condemned and executed for crimes of which they were not guilty.”<sup>350</sup> Regarding Newland’s case, the account reported that he was, in fact, with a group of men that fought and killed Francis Thomas. However, it noted that none of the witnesses could positively swear that Newland was involved in the fight, nor did the judge believe that he was. The author further argued that “there was no proof of any act or word of aiding, assisting, or abetting” done by Newland.<sup>351</sup>

*Mistaken Justice* uses Newland’s trial as an example with which to criticize the corruption of the officers of the courts. Of judges, it’s author states “If they can see their Prince abused by Evil Ministers, or the Fundamental Rights of the people violated, or Justice perverted by Coroners or Juries...they forget a part of their duty to their King, and to their Countrey, and to God above all.”<sup>352</sup> However, the account also defends judges by claiming that “unless some means be provided to correct the corruption of Coroners and Jurors...it will be impossible for the best Judges in the World, either to do Justice, or to hinder great Injustice.”<sup>353</sup> These sentiments

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<sup>350</sup> Anonymous, *Mistaken Justice: Or Innocence Condemn'd, In the Person of Francis Newland, Lately Executed at Tyburn, for the Barbarous Murther of Mr. Francis Thomas*, (London, 1695), 3.

<sup>351</sup> Anonymous, *Mistaken Justice*, 9.

<sup>352</sup> Anonymous, *Mistaken Justice*, 5.

<sup>353</sup> Anonymous, *Mistaken Justice*, 5.

of “evil ministers,” “fundamental rights,” and the reciprocal nature of the obligations between King, country, and God provide evidence that Civil War rhetoric and the subsequent emergence of contractarian ideas had disseminated into cheap print. *Mistaken Justice* argues that judges, despite being men in a position of authority in the English court system, had a duty not only to their king but also to his subjects.

It is remarkable that the author of *Mistaken Justice* publicly criticized not only those involved in Francis Newland’s case, but also the criminal justice system itself. This pamphlet marks a turning point in the rhetoric of popular printed materials. Over the course of the eighteenth century, works like *Mistaken Justice*, would contribute to a growing criticism of the system of law and order.<sup>354</sup> However, this trend, like most, was slow-moving and did not progress in a linear fashion. Prior to the turn of the century, the writers of cheap print rarely criticized decisions of the court. Their need of an allowance from the Stationers’ Company discouraged writers from criticizing the decisions made by representatives of the state.<sup>355</sup> Moreover, capitalizing on the widespread fear of disorder proved to be a profitable endeavor for printers.

This study has raised questions of how that fear of disorder was expressed in print and what those expressions tell us about broader notions of gender relations and household disturbances. Because the line between public and private was so blurred in early modern English society, disruptions in the home often spilled out into the surrounding area. Neighbors heard, saw, and frequently intervened in matters of marital discord. When matters turned fatal, those same neighbors were crucial in the apprehension and conviction of the party at fault. Their

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<sup>354</sup> Sharpe, *A Fiery & Furious People*, 26.

<sup>355</sup> The Licensing Act was allowed to lapse in 1695, effectively ending censorship. Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution*, (New York: Penguin Books, 1975), 385.

stories were immortalized in printed material that continues to provide insight into early modern culture centuries later.

However, as noted throughout this study, the insights we gain from popular print must be analyzed with caution. There are several issues that arise from any study of popular printed material. A primary concern is the nature of print itself. Authors were not free to publish works based solely on their own interests, but were rather constrained by the censors of the Stationers' Company and by the appetite of consumers. Although there were lapses in the enforcement of censorship, for much of the seventeenth century printing rights required an allowance from the Company. This meant that the content and message of published material had to fall in line with their directive of promoting order and obedience. Additionally, printing was a commercial endeavor which relied on the coin of consumers. In an increasingly competitive market, prosperity required printers to cater to the whims of their readership.

In this study, I have attempted to illustrate the way in which the patriarchal ideal influenced homicide laws and the representation of household disorder in cheap print. Statute and crime narratives both promoted the patriarchal hierarchy as the product of a divine and natural order and deemed the household its foundation. The Treason Act of 1351 turned scripture into statute when it made the killing of ones' superior a particularly heinous category of homicide. Similarly, household manuals relied on scripture to comprehensively describe the duty of all members of society. William Gouge's, *Of Domesticall Duties* stated that, "The wife, though a mother of children, is under her husband. The husband, though head of a family, is under publike magistrates. Publike magistrates one under another, and all under the King. The King himselfe under God."<sup>356</sup> The writers of crime narratives assisted in the dissemination of

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<sup>356</sup> Gouge, *Of Domesticall Duties*, 5.

that message by offering to their readership examples of the sad end of those who had failed to heed that advice. My examination of these narratives illustrates the way in which these gendered obligations of a patriarchal hierarchy were further conveyed to the public.

In Chapter Two, I looked at the opening statements of crime narratives to explore how authors introduced their subjects. The titles of crime literature and their opening lines informed consumers that the narrative was meant to be a warning and also conveyed a sense of their authors' disdain for their subjects. The headlines of accounts such as, *A Caution to Married Couples*, *A Warning For Bad Wives*, and *A Warning-Piece to All Married Men and Women*, demonstrate that writers intended to inform their readers of the possible dangers of marital discord. Similarly, titles like *The Bloody Husband and Cruell Neighbour*, *The Bloody Lover*, and *A Most Horrible & Detestable Murther Committed by a Bloudie Minded Man Upon His Owne Wife* made it clear to consumers that the conduct of their subjects was unacceptable.<sup>357</sup> Authors further stressed this point by recording the behavior of men and women before they committed their crimes. Reports of drunkenness, jealousy, and acts of adultery were used to infer motive and indicate how lesser sins could lead to greater transgressions.

Additionally, this chapter examined the use of humoral theory as the early modern way of understanding the biological difference between the sexes. While some historians, such as Thomas Laqueur and Anthony Fletcher, have asserted that the predominant understanding of the body was based on the belief that humors and elements explained bodily functions and dictated behavior, others have challenged that assertion. For instance, Laura Gowing argues that the belief in humoral theory was limited to elite medical professionals and that the beliefs of

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<sup>357</sup> Anonymous, *The Bloody Husband, and Cruell Neighbour, Or A True History of Two Murthers*, (London, 1653); Anonymous, *The Bloody Lover: Or, Barbarous News From Glocester*, (London, 1673); Anonymous, *A Most Horrible & Detestable Murther Committed by a Bloudie Minded Man Upon His Owne Wife*, (London, 1595).

common people were based on everyday experiences and the wisdom passed down through oral culture. My examination of cheap print revealed that although authors did occasionally make references to “blood” or “heat,” overall, they did not describe their subjects’ behavior in the context of humoral theory. Instead, writers explained the motives of criminals as having been the result of hard-living and escalating sinfulness. The humoral theory that predominated medical literature left a very small mark in crime narratives.

In Chapter Three, I explored the portion of narratives which recorded the apprehension of criminals and the gathering of evidence to bring them to trial. My survey of this section in accounts demonstrates that the patriarchal ideal did not pervade all aspects of law enforcement and criminal justice. The system of law enforcement in early modern England relied on the participation of both appointed officers and the general public. Although only men were appointed to serve as constables or wardens, both men and women assisted them in fulfilling their duties. The authors of crime literature provide many examples of neighbors or coworkers of both sexes who helped officers bring criminals to justice. Writers equally praised the efforts of all people involved in law enforcement. They depicted both men and women as equal participants in the apprehension of killers and awarded unbiased praise to any member of society who helped to restore order.

Furthermore, accounts show that women did not hesitate to assist officers in the apprehension of female felons. Despite the fact that the patriarchal hierarchy placed all wives under the authority of their husbands, cheap print does not provide evidence of a sense of solidarity between women. Instead, writers depict their female subjects as valuing the maintenance of order over any possible feeling of sympathy towards the victims of domestic violence. Household manuals dictated that, for women, the only acceptable response to male

violence was passive suffering. Abused wives were advised to wait to be rescued or to run away. Popular printed material suggests that this prescription was deemed acceptable in wider society.

This chapter also examined a transition in the standard of evidence used to convict suspects. While crime narratives published in the late-sixteenth and early-seventeenth centuries recorded the use of divine miracles to detect murder and serve as evidence of guilt, the accounts printed in the second half of the seventeenth century show an increase in the use of empirically derived proof. Advancements in science and the practice of legal medicine fostered a desire of the participants in the criminal justice system to seek out more empirically-derived forms of evidence in murder trials. While providential miracles continued to appear in accounts, their use by authors became less frequent over the course of the seventeenth century. By the end of the century, writers of crime narratives report more instances of post-mortem investigations than of victims speaking to witnesses from beyond the grave.

In the final chapter of this study, I looked at the convictions of suspects and the executions of the condemned. The evidence offered in the final portion of crime narratives reveals not only the gendering of homicide law but also shows how ideas about order and gender began to change after the Civil War. In the portion of narratives examined in this chapter, writers declare that justice had been delivered in the courthouse. Authors reported that suspects had been convicted and met their deserved end. However, court rulings and their coverage in crime narratives illustrate more than a straightforward desire to restore order. They also reveal the way in which gender-based homicide laws and their corresponding punishments resulted in the incommensurate treatment of men and women who found themselves on trial for killing their spouse. Men could have a charge of murder reduced to manslaughter or see it dismissed altogether. Neither of those possibilities were offered to women. Furthermore, the sentence

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## REFERENCES

### Primary Sources:

Anonymous. *An Account of the Manner, Behavior and Execution of Mary Aubry*. London, 1687.

Anonymous. *The Araignment & Burning of Margaret Ferne-Seede for the Murder of Her Late Husband*. London, 1608.

Anonymous. *The Behaviour, Confession, and Execution of the Twelve Prisoners that Suffer'd on Wednesday the 22 of Jan. 1678/9*. London, 1678/9.

Anonymous. *The Behavior, Last Speeches, Confessions, and Execution of the Prisoners that Suffered at Tyburn on Friday the 7th of March, 1678/9*. London, 1678/9.

Anonymous. *Bloody Actions Performed: Or A Brief and True Relation of Three Notorious Murthers, Committed by Three Blood-Thirsty Men*. London, 1653.

Anonymous. *The Bloody Husband, and Cruell Neighbour. Or, A True Historie of Two Murthers*. London, 1653.

Anonymous. *The Bloody Lover, or, Barbarous News from Glocester*. London, 1673.

Anonymous. *Bloody News from Clerkenwel, or, a Full and True Relation of a Most Horrid and Barbarous Cruelty, Committed by a Journey-Man-Cooper, Who Lived in Tumble-Down- Dick's-Court*. London, 1670.

Anonymous. *Bloody [sic] News From Hampshire, or, The Inhumane Husband, and most [sic] Barbarous Father*. London, 1675.

Anonymous. *Bloody News From Hampshire, Or the Inhumane Husband, and Most Barbarous Father*. London, 1675.

Anonymous. *Bloody Newes from St. Albans*. London, 1661.

Anonymous. *The Bloody Papist: Or, A True Relation of the Horrid and Barbarous Murder  
Committed by one Ro Sherburn of Kyme in Lincolnshire*. London, 1683.

Anonymous. *The Bloody Whitsuntide, or, the Tragicall Moneth*. London, 1663.

Anonymous. *A Cabinet of Grief: Or, The French Midwife's Miserable Mean for the Barbarous  
Murther Committed Upon the Body of her Husband*. London, 1688.

Anonymous. *A Caution to Married Couples*. London, 1677.

Anonymous. *The Complaint and Lamentation of Mistresse Arden of [Fev]ersham in Kent*.  
London, 1633.

Anonymous. *A Compleat Narrative of the Tryal of Elizabeth Lillyman*. London, 1675.

Anonymous. *The Cruel Midwife*. London, 1693.

Anonymous. *Deeds Against Nature, and Monsters by Kinde Tryed at the Gaole Deliverie of  
Newgate*. London, 1614.

Anonymous. *The Distressed Mother: or, Sorrowful Wife in Tears*. London, 1690.

Anonymous. *Dreadful News from Southwark: Or a True Account of the Most Horrid Murder  
Committed by Margaret Osgood*. London, 1680.

Anonymous. *An Exact Relation of the Barbarous Murder Committed on Lawrence Corddel a  
Butcher*. London, 1661.

Anonymous. *An Exact Relation of the Bloody and Barbarous Murder, Committed by Miles  
Lewis, and His Wife, a pi[n]m[a]ker Upon thier Prentice*. London, 1646.

Anonymous. *A Full and True Account of a Most Barbarous and Bloody Murder Committed by  
Esther Ives*. London, 1686.

Anonymous. *A Full and True Account of the Penitent Behavior, Last Dying Words + Execution of Mr. Edmund Allen, Gent.* London, 1695.

Anonymous. *A Full and True Account of the Proceedings at the Sessions of Oyer and Terminer, Holden for the City of London, County of Middlesex, and Goal-Delivery of Newgate.* London, 1682.

Anonymous. *A Full and True Relation of the Examination and Confession of W. Barwick and E. Mangall, of Two Horrid Murders.* London, 1690.

Anonymous. *A Full and True Relation of a Most Barbarous and Dreadful Murder Committed of the Body of Mrs. Kirk, Wife of Edmund Kirk, Drawer at the Rose-Tavern in Pye-Corner* London, 1684.

Anonymous. *A Full and True Relation of the Birth, Parentage, Education, and Conversation of Mrs. Margaret Martel, the Barbarous French-Woman.* London, 1697.

Anonymous. *Gods Marvellous Wonders in England.* London, 1694.

Anonymous. *Mistaken Justice: Or Innocence Condemn'd, In the Person of Francis Newland, Lately Executed at Tyburn, for the Barbarous Murther of Mr. Francis Thomas.* London, 1695.

Anonymous. *A More Fuller and Exact Account of the Tryals & Examinations of Several Malefactors and Others, at the Sessions House in the Old Bayly, on Fryday, Saturday, and Munday the 19, 20, & 22 of this Instant February, 1674.* London, 1674.

Anonymous. *The Most Cruell and Bloody Murther Committed by an Innkeepers Wife, Called Annis Dell, and Her Sonne George Dell.* London, 1606.

Anonymous. *A Most Horrible & Detestable Murther Committed by a Bloudie Minded Man Upon His Owne Wife: and Most Strangely Revealed by His Child.* London, 1595.

Anonymous. *Murther, Murther. Or, A Bloody Relation How Anne Hampton, Dweling in Westminster nigh London, by Poyson Murthered Her Deare Husband*. London, 1641.

Anonymous. *Murther Upon Murther: Or A True and Faithful Relation, of Six Horrid and Bloody Cruelties, and Barbarous and Unheard of Murthers, and Tragical Villanies Lately Committed in Several Counties of England*. London, 1684.

Anonymous. *News From Bishops-Gate-Street, Being a True Relation of a Most Barbarous and Bloody Murder Committed by One Jacob Turner, a Broad-weaver, Upon Mary Turner his Wife*. London, 1689.

Anonymous. *News From Maidstone, or, A True Narrative of the Proceedings at Kent-Assizes*. London, 1678.

Anonymous. *News from the Sessions, or, the Whole Tryal of George Allen the Butcher*. London, 1675.

Anonymous. *A Perfect Narrative of the Robbery and Murder Committed near Dame Annis So Cleer, On Friday Night, the Second of July, 1669, Upon the Body of Mr. John Talbot*. London, 1669.

Anonymous. *A Sad and True Relation of a Most Barbarous and Bloody Murder Committed by One Thomas Watson, a Weaver, Upon the Body of Mary Watson, his Wife, Being Great With Child*. London, 1686.

Anonymous. *Strange and True News from Westmoreland*. London, 1690.

Anonymous. *Sundrye Strange and Inhumaine Murthers, Lately Committed*. London, 1591.

Anonymous. *Three Bloodie Murders*. London, 1613.

Anonymous. *Three Inhumane Murders Committed by One Bloody Person*. London, 1675.

Anonymous. *A True Account of the Behavior, Confessions, and Last Dying Words, of Abraham Bigs, Richard Cabourn, Jane Langworth, and Elizabeth Stoaks At Tyburn*. London, 1684.

Anonymous. *The True Narrative of the Execution of John Marketman, Chyrurgian of Westham in Essex, For Committing a Horrible + Bloody Murther*. London, 1680.

Anonymous. *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly*. London, 1679.

Anonymous. *A True Relation of Four Most Barbarous and Cruel Murders Committed in Leicester-shire by Elizabeth Ridgway*. London, 1684.

Anonymous. *The True Relation of the Life and Conversation of Margaret Martel, that Murder'd Mistress Pullyn*. London, 1697.

Anonymous. *A True Relation of the Most Horrible Murther Committed by Thomas White of Lane Green in the Parish of Auffley in the County of Salop*. London, 1682.

Anonymous. *A True Relation of the Most Inhumane and Bloody Murther, of Master James Minister and Preacher of the Word of God at Rockland in Norfolke*. London, 1609.

Anonymous. *A True Relation of One Susan Higges, Dwelling in Risborrow [a] Towne in Buckinghamshire, and How She Lived 20 Yeeres by robbing on the High-Wayes*. London, 1640.

Anonymous. *A True Reporte or Description of an Horrible, Wofull, and Most Lamentable Murther*. London, 1573.

Anonymous. *The Unnatural Wife: Or, The Lamentable Murther of One Goodman Davis*. London, 1628.

Anonymous. *A Warning For Bad Wives: or the Manner of the Burning of Sarah Elston*. London, 1678.

Anonymous. *A Warning-Piece to All Married Men and Women*. London, 1688.

A.J. *Digitus Dei: Or, An Horrid Murther Strangely Detected*. London, 1664.

Dalton, Michael. *The Countrey Jusitce*. London, 1682.

Elestone, Sarah. *The Last Speech and Confession of Sarah Elestone at the Place of Execution*. London, 1678.

Filmer, Sir Robert. *Patriarcha*. London, 1685.

Goodcole, Henry. *The Adultresses Funerall Day in Flaming, Scorching, and Consuming Fire*. London, 1635.

Gouge, William. *Of Domesticall Duties*. London, 1622.

Great Britain, Assizes. *The True Narrative of the Proceedings at the Assizes Holden at Kingstone-Upon-Thames*. London, 1681.

Hobbes, Thomas. *Leviathan*. London, 1651.

James VI and I. *Daemonologie*. London, 1597; repr., London: Aziloth Books, 2012.

—. *The True Law of Free Monarchies: Or the reciprocal dutie betwixt a free king and his naturall subjects*. Edinburgh, 1598.

Kyd, Thomas. *The Trueth of the Most Wicked and Secret Murthering of John Brewen, Goldsmith of London, Committed by His Owne Wife*. London, 1592.

Locke, John. *Two Treatises of Government*. London, 1689.

Munday, Anthony. *A View of Sundry Examples*. London, 1580.

Robson, Henry. *The Examination, Confesssion, and Condemnation of Henry Robson, Fisherman of Rye*. London, 1598.

Smith, William. *A Just Account of the Horrid Contrivance of John Cupper, and Judith Brown, his Servant, in Poysoning his Wife*. London, 1684.

Statutes of the Realm (1235-1377), *Statutes of King Edward the Third*, Hein Online.

Statutes of the Realm (1547-1624), *Statutes of King James the First*, Hein Online.

Statutes of the Realm (1377-1504), *Statutes of King Henry the Seventh*, Hein Online.

### **Secondary Sources:**

Amussen, Susan Dwyer. *An Ordered Society: Gender and Class in Early Modern Europe*. New York: Columbia University Press, 1988.

Archer, Ian. *The Pursuit of Stability: Social Relations in Elizabethan London*. Cambridge and New York: Cambridge University Press, 1991.

Beattie, J. M. "The Criminality of Women in Eighteenth-Century England." *Journal of Social History* 8, no. 4 (Summer 1975): 80-116.

Breitenberg, Mark. *Anxious Masculinity in Early Modern England*. New York: Cambridge University Press, 1996.

Clark, Michael and Crawford, Catherine, eds. *Legal Medicine in History*. New York and Cambridge: Cambridge University Press, 1994.

Cockburn, J. S., ed. *Crime in England, 1550-1800*. Princeton, NJ: Princeton University Press, 1977.

Cressy, David. *England on Edge: Crisis and Revolution, 1640-1642*. New York: Oxford University Press, 2006.

- . *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England*. Cambridge and New York: Cambridge University Press, 1980.
- Dolan, Frances. *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700*. Ithaca, NY: Cornell University Press, 1994.
- Fletcher, Anthony. *Gender, Sex & Subordination in England, 1500-1800*. New Haven and London: Yale University Press, 1995.
- Fox, Adam. *Oral and Literate Culture in England, 1500-1700*. Oxford and New York: Oxford University Press, 2000.
- Gaskell, Philip. *A New Introduction to Bibliography*. New Castle, Delaware and Winchester: Oak Knoll Press, 2009.
- Gaskill, Malcolm. *Crime and Mentalities in Early Modern England*. New York: Cambridge University Press, 2000.
- . "Reporting Murder: Fiction in the Archives in Early Modern England." *Social History* 23, no. 1 (Jan. 1998): 1-30.
- Gowing, Laura. *Common Bodies: Women, Touch and Power in Seventeenth-Century England*. New Haven and London: Yale University Press, 2003.
- . *Domestic Dangers: Women, Words, and Sex in Early Modern London*. New York: Oxford University Press, 1996.
- Griffiths, Paul. *Lost Londons: Change, Crime and Control in the Capital City, 1550-1660*. New York: Cambridge University Press, 2008.
- Haigh, Christopher. *English Reformations: Religion, Politics and Society Under the Tudors*. Oxford and New York: Oxford University Press, 1993.



- Herrup, Cynthia B. *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*. New York and Oxford: Oxford University Press, 1999.
- Hill, Christopher. *The World Turned Upside Down: Radical Ideas During the English Revolution*. New York: Penguin Books, 1975.
- Ingram, Martin. "Ridings, Rough Music and the 'Reform of Popular Culture' in Early Modern England." *Past & Present*, no. 105 (Nov., 1984): 79-113.
- Jaede, Maximilian. "Forgiveness and Reconciliation in Hobbe's Natural Law Theory." *History of European Ideas* 43, no. 8 (Dec., 2017): 831-842.
- Kermode, Jenny and Garthine Walker, eds. *Women, Crime and the Courts in Early Modern England*. Chapel Hill and London: The University of North Carolina Press, 1994.
- Kesselring, K. J. "Bodies of Evidence: Sex and Murder (or Gender and Homicide) in Early Modern England, c. 1500-1680." *Gender & History* 27, no. 2 (Aug. 2015): 245-262.
- Lake, Peter and Michael Questier. "Agency, Appropriation and Rhetoric Under the Gallows: Puritans, Romanists and the State in Early Modern England." *Past & Present* 153 (1996): 65-107.
- Laqueur, Thomas. *Making Sex: Body and Gender from the Greeks to Freud*. Cambridge, MA: Harvard University Press, 1992.
- Lockwood, Matthew. "From Treason to Homicide: Changing Conceptions of the Law of Petty Treason in Early Modern England." *Journal of Legal History* 34, no. 1 (April, 2013): 31-49.
- MacMillian, Ken, ed. *Stories of True Crime in Tudor and Stuart England*. London and New York: Routledge, 2015.

- McKenzie, D.F. "Printers of the Mind: Some Notes on Bibliographical Theories and Printing-House Practices." *Studies in Bibliography* 22 (1969): 1-75.
- McKerrow, R.B., ed. *A Dictionary of Printers and Booksellers in England, Scotland and Ireland, and of Foreign Printers of English Books 1557-1640*. London: Blades, East & Blades, 1910.
- McMahon, Vanessa. "Reading the Body: Dissection and the 'Murder' of Sarah Stout, Hertfordshire, 1699." *Social History of Medicine* 19, no. 1 (April 2006): 19-35.
- Millett, Kate. *Sexual Politics*. New York: Doubleday, 1970.
- Muravyeva, Marianna and Raisa Maria Toivo, eds. *Gender in Late Medieval and Early Modern Europe*. New York: Routledge, 2013.
- Orthia, Lindy. "What's Wrong with Talking about the Scientific Revolution? Applying Lessons from History of Science to Applied Fields of Science Study." *Minerva: A Review of Science, Learning & Policy* 54, no. 3 (Sept., 2016): 353-373.
- Plomer, Henry Robert. *A Dictionary of the Booksellers and Printers who Were at Work in England, Scotland and Ireland From 1641 to 1667*. London: Blades, East & Blades, 1907.
- Rich, Adrienne. *Of Woman Born: Motherhood as Experience and Institution*. New York: Norton, 1976.
- Selwood, Jacob. *Diversity and Difference in Early Modern London*. Burlington, VT: Ashgate Publishing Company, 2010.
- Scott, Joan. "Gender: A Useful Category of Historical Analysis." *American Historical Review* 91, no. 5 (Dec., 1986): 1053-1076.

- Shanley, Mary Lyndon. "Marriage Contract and Social Contract in Seventeenth Century English Political Thought." *The Western Political Quarterly* 32, no. 1 (1979): 79-91.
- Sharpe, J.A. *Crime in Early Modern England, 1550-1750*. New York: Routledge, 1999.
- . *A Fiery & Furious People: A History of Violence in England*. New York: Random House Books, 2017.
- . "The History of Crime in Late Medieval and Early Modern England: A Review of the Field." *Social History* 7, No. 2 (May, 1982): 187-203.
- . "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England." *Past & Present*, no. 107 (May, 1985): 144-167.
- Shepard, Alexandra. *Meanings of Manhood in Early Modern England*. New York: Oxford University Press, 2003. Kindle Edition.
- Stallybrass, Peter. "'Little Jobs': Broadsides and the Printing Revolution." in Sabrina Alcorn Baron, Eric N. Lindquist, and Eleanor F. Shevlin, eds. *Agent of Change: Print Culture Stories after Elizabeth L. Eisenstein*. Amherst: University of Massachusetts Press (2007), 315-341.
- Stavreva, Kirilka. "'Scaffolds unto Prints': Executing the Insubordinate Wife in the Ballad Trade of Early Modern England." *Journal of Popular Culture* 31, no. 1 (Summer, 1997): 177-188.
- Suarez, Michael F., S.J. and H.R. Woudhuysen. *The Book: A Global History*. Oxford, UK: Oxford University Press, 2013.
- Thomas, Keith. *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England*. New York: Penguin Books, 1971.

- Walker, Garthine. *Crime, Gender and Social Order in Early Modern England*. New York: Cambridge University Press, 2003.
- Walsham, Alexandra. "'The Fatall Vesper': Providentialism and Anti-Popery in Late Jacobean London." *Past and Present* 144 (1994): 36-87.
- Watt, Tessa. *Cheap Print and Popular Piety, 1550-1640*. Cambridge: Cambridge University Press, 1991.
- Weber, Max. *The Sociology of Religion*. Translated by Ephraim Fischoof, Boston: Beacon Press, 1991.
- Yetter, Leigh, ed., *Public Execution in England, 1573-1868*, Volume 1. London: Pickering & Chatto, 2009.